

marked the only significant victory in Georgia by forces opposed to British rule and impacted the course of the American Revolutionary War.

In 1975, the battlefield was added to the National Register of Historic Places to protect the site's historic and archeological resources.

This bill tasks the National Park Service with determining the best management options for these historic resources, and I would like to thank Representative HICE for his efforts on this bill.

Mr. Speaker, I urge my colleagues to support its adoption, and I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, I yield as much time as he may consume to the gentleman from Georgia (Mr. HICE), who is the sponsor of this bill.

Mr. HICE of Georgia. Mr. Speaker, I thank the Speaker and am grateful for the bipartisan support for this bill.

I want to say a special thank you to the ranking member, Mr. BISHOP. It has been an honor to serve under him, both as the ranking member and the chairman of this committee. His leadership will be greatly missed. It has been an honor to serve with him and under his leadership, and I wish him the best in the years to come.

Mr. Speaker, I think most Americans are very familiar with great military moments in our Nation's past and our history, and all of us could name different places where some of those memorable battles occurred. But many of the Nation's finest moments took place right here in our own backyard, and many people are not even aware of some of those battles.

One of those took place in the other Washington, Washington, Georgia, in Wilkes County. As briefly was described, on February 14, 1779, there was a sizable force of British loyalists who collided with a small but ferocious band of American patriots. They were led by Colonel Andrew Pickens in the Kettle Creek area. They were outnumbered 2 to 1, and Colonel Pickens and his men suddenly attacked the Tory militia, catching them by surprise. It was a bloody battle, a severe battle, a brutal fight, but it ended up being one of the greatest victories in the southern campaign during the revolutionary time. This battle involved only a few hundred men, but the impact is enormous on the entire Revolutionary War.

In fact, Colonel Pickens himself said of the Battle of Kettle Creek: "I believe it was the severest check and chastisement the Tories ever received in South Carolina or Georgia."

This engagement demonstrated conclusively that while the British could hold areas and cities like Savannah or Charleston, they could never grasp hold of the southern backcountry.

The courage shown by the outnumbered patriots is nothing shy of absolutely legendary, and they are still honored in Georgia today. One of those stories that I would like to share today

is of an individual named Austin Dabney.

Despite being a slave, Mr. Dabney served with honor and distinction in the patriot military until he was shot in the thigh in the Battle of Kettle Creek. Though crippled and returned to servitude, Mr. Dabney's actions were never forgotten. In fact, after the war, in 1786, an official act of the Georgia legislature emancipated Mr. Dabney, and they granted him both land and a lifetime pension. This only scratches the surface of Mr. Dabney's story. Yet, it is something that we need never to forget.

Kettle Creek was added to the National Register of Historic Places in 1975, and the 2007 report to Congress by the American Battlefield Protection Program of the National Park Service noted the Battle of Kettle Creek having demonstrable influence on the course, conduct, and results of the Revolutionary War.

Congress has made significant strides in preserving many of the battlefields of the Civil War, but I think, unfortunately, many of the battlefields of the Revolutionary War have been forgotten. We need to remember those.

This legislation is critical to not only preserving Kettle Creek, which has, by the way, tremendous support in the community and the State, but I strongly believe that the stories of both Colonel Pickens and the incredible stories of people like Austin Dabney are worth saving. They are worth saving for generations to come.

Mr. Speaker, I look forward to Kettle Creek being studied for inclusion in the National Park System. I appreciate my colleagues' support for this and urge the rest of our colleagues to support this piece of history and this legislation.

Mr. CASE. Mr. Speaker, I certainly do appreciate my colleague's very emotional description of the rich history of Battle Creek and his commitment to its preservation. I join him in that.

Mr. Speaker, I have no further speakers, and I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, is there any time remaining?

The SPEAKER pro tempore. The gentleman from Utah has 15 minutes remaining.

Mr. BISHOP of Utah. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank Mr. HICE for everything that he is doing on this particular bill. He left already. He is the one who has the accent. But I have to admit, back where I live, this would be called Kettle Crick, not Kettle Creek, so if you can make that change.

But the problem is, obviously, battlefields are disappearing. What Mr. HICE has done is try to go about this the proper way, by doing the study that sets the parameters of what we need, and with a great deal of concern and consideration for the other people who are living in that area, for private

property in that area, for the other concerns that take place in there.

So, I am proud of this because Mr. HICE is doing it the right way. This is the way all of our studies should take place. This is the way all of our concerns should take place, and it is appropriate.

Mr. Speaker, I yield back the balance of my time.

Mr. CASE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I urge my colleagues to support the adoption of this measure, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Hawaii (Mr. CASE) that the House suspend the rules and pass the bill, H.R. 306, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to direct the Secretary of the Interior to conduct a reconnaissance survey of the site of the Kettle Creek Battlefield in Wilkes County, Georgia, and adjacent property, and for other purposes."

A motion to reconsider was laid on the table.

#### NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION COMMISSIONED OFFICER CORPS AMENDMENTS ACT OF 2020

Mr. CASE. Mr. Speaker, I move to suspend the rules and pass the bill (S. 2981) to reauthorize and amend the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2020, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 2981

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "National Oceanic and Atmospheric Administration Commissioned Officer Corps Amendments Act of 2020".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. References to National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002.

#### TITLE I—GENERAL PROVISIONS

- Sec. 101. Strength and distribution in grade.
- Sec. 102. Recalled officers.
- Sec. 103. Obligated service requirement.
- Sec. 104. Training and physical fitness.
- Sec. 105. Aviation accession training programs.
- Sec. 106. Recruiting materials.
- Sec. 107. Technical correction.

#### TITLE II—PARITY AND RECRUITMENT

- Sec. 201. Education loans.
- Sec. 202. Interest payments.
- Sec. 203. Student pre-commissioning program.

- Sec. 204. Limitation on educational assistance.
- Sec. 205. Applicability of certain provisions of title 10, United States Code, and extension of certain authorities applicable to members of the Armed Forces to commissioned officer corps.
- Sec. 206. Applicability of certain provisions of title 37, United States Code.
- Sec. 207. Prohibition on retaliatory personnel actions.
- Sec. 208. Employment and reemployment rights.
- Sec. 209. Treatment of commission in commissioned officer corps for purposes of certain hiring decisions.

#### TITLE III—APPOINTMENTS AND PROMOTION OF OFFICERS

- Sec. 301. Appointments.
- Sec. 302. Personnel boards.
- Sec. 303. Positions of importance and responsibility.
- Sec. 304. Temporary appointments.
- Sec. 305. Officer candidates.
- Sec. 306. Procurement of personnel.
- Sec. 307. Career intermission program.

#### TITLE IV—SEPARATION AND RETIREMENT OF OFFICERS

- Sec. 401. Involuntary retirement or separation.
- Sec. 402. Separation pay.

#### TITLE V—OTHER NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION MATTERS

- Sec. 501. Charting and survey services.
- Sec. 502. Co-location agreements.
- Sec. 503. Satellite and data management.
- Sec. 504. Improvements relating to sexual harassment and assault prevention at the National Oceanic and Atmospheric Administration.

#### SEC. 2. REFERENCES TO NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION COMMISSIONED OFFICER CORPS ACT OF 2002.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3001 et seq.).

#### TITLE I—GENERAL PROVISIONS

##### SEC. 101. STRENGTH AND DISTRIBUTION IN GRADE.

Section 214 (33 U.S.C. 3004) is amended to read as follows:

##### “SEC. 214. STRENGTH AND DISTRIBUTION IN GRADE.

“(a) GRADES.—The commissioned grades in the commissioned officer corps of the Administration are the following, in relative rank with officers of the Navy:

- “(1) Vice admiral.
- “(2) Rear admiral.
- “(3) Rear admiral (lower half).
- “(4) Captain.
- “(5) Commander.
- “(6) Lieutenant commander.
- “(7) Lieutenant.
- “(8) Lieutenant (junior grade).
- “(9) Ensign.

“(b) GRADE DISTRIBUTION.—The Secretary shall prescribe, with respect to the distribution on the lineal list in grade, the percentages applicable to the grades set forth in subsection (a).

“(c) ANNUAL COMPUTATION OF NUMBER IN GRADE.—

“(1) IN GENERAL.—Not less frequently than once each year, the Secretary shall make a

computation to determine the number of officers on the lineal list authorized to be serving in each grade.

“(2) METHOD OF COMPUTATION.—The number in each grade shall be computed by applying the applicable percentage to the total number of such officers serving on active duty on the date the computation is made.

“(3) FRACTIONS.—If a final fraction occurs in computing the authorized number of officers in a grade, the nearest whole number shall be taken. If the fraction is one-half, the next higher whole number shall be taken.

“(d) TEMPORARY INCREASE IN NUMBERS.—The total number of officers authorized by law to be on the lineal list during a fiscal year may be temporarily exceeded if the average number on that list during that fiscal year does not exceed the authorized number.

“(e) POSITIONS OF IMPORTANCE AND RESPONSIBILITY.—Officers serving in positions designated under section 228(a) and officers recalled from retired status shall not be counted when computing authorized strengths under subsection (c) and shall not count against those strengths.

“(f) PRESERVATION OF GRADE AND PAY.—No officer may be reduced in grade or pay or separated from the commissioned officer corps of the Administration as the result of a computation made to determine the authorized number of officers in the various grades.”

##### SEC. 102. RECALLED OFFICERS.

(a) IN GENERAL.—Section 215 (33 U.S.C. 3005) is amended to read as follows:

##### “SEC. 215. NUMBER OF AUTHORIZED COMMISSIONED OFFICERS.

“(a) IN GENERAL.—The total number of authorized commissioned officers on the lineal list of the commissioned officer corps of the Administration shall not exceed 500.

“(b) POSITIONS OF IMPORTANCE AND RESPONSIBILITY.—Officers serving in positions designated under section 228 and officers recalled from retired status or detailed to an agency other than the Administration—

“(1) may not be counted in determining the total number of authorized officers on the lineal list under this section; and

“(2) may not count against such number.”

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled “An Act to reauthorize the Hydrographic Services Improvement Act of 1998, and for other purposes” (Public Law 107-372) is amended by striking the item relating to section 215 and inserting the following:

“Sec. 215. Number of authorized commissioned officers.”

##### SEC. 103. OBLIGATED SERVICE REQUIREMENT.

(a) IN GENERAL.—Subtitle A (33 U.S.C. 3001 et seq.) is amended by adding at the end the following:

##### “SEC. 216. OBLIGATED SERVICE REQUIREMENT.

“(a) IN GENERAL.—

“(1) REGULATIONS.—The Secretary shall prescribe the obligated service requirements for appointments, training, promotions, separations, continuations, and retirements of officers not otherwise covered by law.

“(2) WRITTEN AGREEMENTS.—The Secretary and officers shall enter into written agreements that describe the officers’ obligated service requirements prescribed under paragraph (1) in return for such appointments, training, promotions, separations, continuations, and retirements as the Secretary considers appropriate.

“(b) REPAYMENT FOR FAILURE TO SATISFY REQUIREMENTS.—

“(1) IN GENERAL.—The Secretary may require an officer who fails to meet the service requirements prescribed under subsection (a)(1) to reimburse the Secretary in an amount that bears the same ratio to the total costs of the training provided to that

officer by the Secretary as the unserved portion of active duty bears to the total period of active duty the officer agreed to serve.

“(2) OBLIGATION AS DEBT TO UNITED STATES.—An obligation to reimburse the Secretary under paragraph (1) is, for all purposes, a debt owed to the United States.

“(3) DISCHARGE IN BANKRUPTCY.—A discharge in bankruptcy under title 11 that is entered less than five years after the termination of a written agreement entered into under subsection (a)(2) does not discharge the individual signing the agreement from a debt arising under such agreement.

“(c) WAIVER OR SUSPENSION OF COMPLIANCE.—The Secretary may waive the service obligation of an officer who—

“(1) becomes unqualified to serve on active duty in the commissioned officer corps of the Administration because of a circumstance not within the control of that officer; or

“(2) is—

“(A) not physically qualified for appointment; and

“(B) determined to be unqualified for service in the commissioned officer corps of the Administration because of a physical or medical condition that was not the result of the officer’s own misconduct or grossly negligent conduct.”

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled “An Act to reauthorize the Hydrographic Services Improvement Act of 1998, and for other purposes” (Public Law 107-372) is amended by inserting after the item relating to section 215 the following:

“Sec. 216. Obligated service requirement.”

##### SEC. 104. TRAINING AND PHYSICAL FITNESS.

(a) IN GENERAL.—Subtitle A (33 U.S.C. 3001 et seq.), as amended by section 103(a), is further amended by adding at the end the following:

##### “SEC. 217. TRAINING AND PHYSICAL FITNESS.

“(a) TRAINING.—The Secretary may take such measures as may be necessary to ensure that officers are prepared to carry out their duties in the commissioned officer corps of the Administration and proficient in the skills necessary to carry out such duties. Such measures may include the following:

“(1) Carrying out training programs and correspondence courses, including establishing and operating a basic officer training program to provide initial indoctrination and maritime vocational training for officer candidates as well as refresher training, mid-career training, aviation training, and such other training as the Secretary considers necessary for officer development and proficiency.

“(2) Providing officers and officer candidates with educational materials.

“(3) Acquiring such equipment as may be necessary for training and instructional purposes.

“(b) PHYSICAL FITNESS.—The Secretary shall ensure that officers maintain a high physical state of readiness by establishing standards of physical fitness for officers that are substantially equivalent to those prescribed for officers in the Coast Guard.”

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled “An Act to reauthorize the Hydrographic Services Improvement Act of 1998, and for other purposes” (Public Law 107-372), as amended by section 103(b), is further amended by inserting after the item relating to section 216 the following:

“Sec. 217. Training and physical fitness.”

##### SEC. 105. AVIATION ACCESSION TRAINING PROGRAMS.

(a) IN GENERAL.—Subtitle A (33 U.S.C. 3001 et seq.), as amended by section 104(a), is further amended by adding at the end the following:

**“SEC. 218. AVIATION ACCESSION TRAINING PROGRAMS.**

“(a) DEFINITIONS.—In this section:

“(1) ADMINISTRATOR.—The term ‘Administrator’ means the Under Secretary of Commerce for Oceans and Atmosphere and the Administrator of the National Oceanic and Atmospheric Administration.

“(2) MEMBER OF THE PROGRAM.—The term ‘member of the program’ means a student who is enrolled in the program.

“(3) PROGRAM.—The term ‘program’ means an aviation accession training program of the commissioned officer corps of the Administration established pursuant to subsection (b).

“(b) AVIATION ACCESSION TRAINING PROGRAMS.—

“(1) ESTABLISHMENT AUTHORIZED.—The Administrator, under regulations prescribed by the Secretary, shall establish and maintain one or more aviation accession training programs for the commissioned officer corps of the Administration at institutions described in paragraph (2).

“(2) INSTITUTIONS DESCRIBED.—An institution described in this paragraph is an educational institution—

“(A) that requests to enter into an agreement with the Administrator providing for the establishment of the program at the institution;

“(B) that has, as a part of its curriculum, a four-year baccalaureate program of professional flight and piloting instruction that is accredited by the Aviation Accreditation Board International;

“(C) that is located in a geographic area that—

“(i) experiences a wide variation in climate-related activity, including frequent high winds, convective activity (including tornadoes), periods of low visibility, heat, and snow and ice episodes, to provide opportunities for pilots to demonstrate skill in all weather conditions compatible with future encounters during their service in the commissioned officer corps of the Administration; and

“(ii) has a climate that can accommodate both primary and advanced flight training activity at least 75 percent of the year; and

“(D) at which the Administrator determines that—

“(i) there will be at least one student enrolled in the program; and

“(ii) the provisions of this section are otherwise satisfied.

“(3) LIMITATIONS IN CONNECTION WITH PARTICULAR INSTITUTIONS.—The program may not be established or maintained at an institution unless—

“(A) the senior commissioned officer or employee of the commissioned officer corps of the Administration who is assigned as an advisor to the program at that institution is given the academic rank of adjunct professor; and

“(B) the institution fulfills the terms of its agreement with the Administrator.

“(4) MEMBERSHIP IN CONNECTION WITH STATUS AS STUDENT.—At institutions at which the program is established, the membership of students in the program shall be elective, as provided by State law or the authorities of the institution concerned.

“(c) MEMBERSHIP.—

“(1) ELIGIBILITY.—To be eligible for membership in the program, an individual must—

“(A) be a student at an institution at which the program is established;

“(B) be a citizen of the United States;

“(C) contract in writing, with the consent of a parent or guardian if a minor, with the Administrator, to—

“(i) accept an appointment, if offered, as a commissioned officer in the commissioned officer corps of the Administration; and

“(ii) serve in the commissioned officer corps of the Administration for not fewer than four years;

“(D) enroll in—

“(i) a four-year baccalaureate program of professional flight and piloting instruction; and

“(ii) other training or education, including basic officer training, which is prescribed by the Administrator as meeting the preliminary requirement for admission to the commissioned officer corps of the Administration; and

“(E) execute a certificate or take an oath relating to morality and conduct in such form as the Administrator prescribes.

“(2) COMPLETION OF PROGRAM.—A member of the program may be appointed as a regular officer in the commissioned officer corps of the Administration if the member meets all requirements for appointment as such an officer.

“(d) FINANCIAL ASSISTANCE FOR QUALIFIED MEMBERS.—

“(1) EXPENSES OF COURSE OF INSTRUCTION.—

“(A) IN GENERAL.—In the case of a member of the program who meets such qualifications as the Administrator establishes for purposes of this subsection, the Administrator may pay the expenses of the member in connection with pursuit of a course of professional flight and piloting instruction under the program, including tuition, fees, educational materials such as books, training, certifications, travel, and laboratory expenses.

“(B) ASSISTANCE AFTER FOURTH ACADEMIC YEAR.—In the case of a member of the program described in subparagraph (A) who is enrolled in a course described in that subparagraph that has been approved by the Administrator and requires more than four academic years for completion, including elective requirements of the program, assistance under this subsection may also be provided during a fifth academic year or during a combination of a part of a fifth academic year and summer sessions.

“(2) ROOM AND BOARD.—In the case of a member eligible to receive assistance under paragraph (1), the Administrator may, in lieu of payment of all or part of such assistance, pay the room and board expenses of the member, and other educational expenses, of the educational institution concerned.

“(3) FAILURE TO COMPLETE PROGRAM OR ACCEPT COMMISSION.—A member of the program who receives assistance under this subsection and who does not complete the course of instruction, or who completes the course but declines to accept a commission in the commissioned officer corps of the Administration when offered, shall be subject to the repayment provisions of subsection (e).

“(e) REPAYMENT OF UNEARNED PORTION OF FINANCIAL ASSISTANCE WHEN CONDITIONS OF PAYMENT NOT MET.—

“(1) IN GENERAL.—A member of the program who receives or benefits from assistance under subsection (d), and whose receipt of or benefit from such assistance is subject to the condition that the member fully satisfy the requirements of subsection (c), shall repay to the United States an amount equal to the assistance received or benefitted from if the member fails to fully satisfy such requirements and may not receive or benefit from any unpaid amounts of such assistance after the member fails to satisfy such requirements, unless the Administrator determines that the imposition of the repayment requirement and the termination of payment of unpaid amounts of such assistance with regard to the member would be—

“(A) contrary to a personnel policy or management objective;

“(B) against equity and good conscience; or

“(C) contrary to the best interests of the United States.

“(2) REGULATIONS.—The Administrator may establish, by regulations, procedures for determining the amount of the repayment required under this subsection and the circumstances under which an exception to repayment may be granted. The Administrator may specify in the regulations the conditions under which financial assistance to be paid to a member of the program will not be made if the member no longer satisfies the requirements in subsection (c) or qualifications in subsection (d) for such assistance.

“(3) OBLIGATION AS DEBT TO UNITED STATES.—An obligation to repay the United States under this subsection is, for all purposes, a debt owed to the United States.”

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled “An Act to reauthorize the Hydrographic Services Improvement Act of 1998, and for other purposes” (Public Law 107-372), as amended by section 104(b), is further amended by inserting after the item relating to section 217 the following:

“Sec. 218. Aviation accession training programs.”

**SEC. 106. RECRUITING MATERIALS.**

(a) IN GENERAL.—Subtitle A (33 U.S.C. 3001 et seq.), as amended by section 105(a), is further amended by adding at the end the following:

**“SEC. 219. USE OF RECRUITING MATERIALS FOR PUBLIC RELATIONS.**

“The Secretary may use for public relations purposes of the Department of Commerce any advertising materials developed for use for recruitment and retention of personnel for the commissioned officer corps of the Administration. Any such use shall be under such conditions and subject to such restrictions as the Secretary shall prescribe.”

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled “An Act to reauthorize the Hydrographic Services Improvement Act of 1998, and for other purposes” (Public Law 107-372), as amended by section 105(b), is further amended by inserting after the item relating to section 218 the following:

“Sec. 219. Use of recruiting materials for public relations.”

**SEC. 107. TECHNICAL CORRECTION.**

Section 101(21)(C) of title 38, United States Code, is amended by inserting “in the commissioned officer corps” before “of the National”.

**TITLE II—PARITY AND RECRUITMENT****SEC. 201. EDUCATION LOANS.**

(a) IN GENERAL.—Subtitle E (33 U.S.C. 3071 et seq.) is amended by adding at the end the following:

**“SEC. 267. EDUCATION LOAN REPAYMENT PROGRAM.**

“(a) AUTHORITY TO REPAY EDUCATION LOANS.—For the purpose of maintaining adequate numbers of officers of the commissioned officer corps of the Administration on active duty who have skills required by the commissioned officer corps, the Secretary may repay, in the case of a person described in subsection (b), a loan that—

“(1) was used by the person to finance education; and

“(2) was obtained from a governmental entity, private financial institution, educational institution, or other authorized entity.

“(b) ELIGIBLE PERSONS.—To be eligible to obtain a loan repayment under this section, a person must—

“(1) satisfy one of the requirements specified in subsection (c);

“(2) be fully qualified for, or hold, an appointment as a commissioned officer in the

commissioned officer corps of the Administration; and

“(3) sign a written agreement to serve on active duty, or, if on active duty, to remain on active duty for a period in addition to any other incurred active duty obligation.

“(C) ACADEMIC AND PROFESSIONAL REQUIREMENTS.—One of the following academic requirements must be satisfied for purposes of determining the eligibility of an individual for a loan repayment under this section:

“(1) The person is fully qualified in a profession that the Secretary has determined to be necessary to meet identified skill shortages in the commissioned officer corps of the Administration.

“(2) The person is enrolled as a full-time student in the final year of a course of study at an accredited educational institution (as determined by the Secretary of Education) leading to a degree in a profession that will meet identified skill shortages in the commissioned officer corps of the Administration.

“(d) LOAN REPAYMENTS.—

“(1) IN GENERAL.—Subject to the limits established under paragraph (2), a loan repayment under this section may consist of the payment of the principal, interest, and related expenses of a loan obtained by a person described in subsection (b).

“(2) LIMITATION ON AMOUNT.—For each year of obligated service that a person agrees to serve in an agreement described in subsection (b)(3), the Secretary may pay not more than the amount specified in section 2173(e)(2) of title 10, United States Code.

“(e) ACTIVE DUTY SERVICE OBLIGATION.—

“(1) IN GENERAL.—A person entering into an agreement described in subsection (b)(3) incurs an active duty service obligation.

“(2) LENGTH OF OBLIGATION DETERMINED UNDER REGULATIONS.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the length of the obligation under paragraph (1) shall be determined under regulations prescribed by the Secretary.

“(B) MINIMUM OBLIGATION.—The regulations prescribed under subparagraph (A) may not provide for a period of obligation of less than one year for each maximum annual amount, or portion thereof, paid on behalf of the person for qualified loans.

“(3) PERSONS ON ACTIVE DUTY BEFORE ENTERING INTO AGREEMENT.—The active duty service obligation of persons on active duty before entering into the agreement shall be served after the conclusion of any other obligation incurred under the agreement.

“(4) CONCURRENT COMPLETION OF SERVICE OBLIGATIONS.—A service obligation under this section may be completed concurrently with a service obligation under section 216.

“(f) EFFECT OF FAILURE TO COMPLETE OBLIGATION.—

“(1) ALTERNATIVE OBLIGATIONS.—An officer who is relieved of the officer's active duty obligation under this section before the completion of that obligation may be given any alternative obligation, at the discretion of the Secretary.

“(2) REPAYMENT.—An officer who does not complete the period of active duty specified in the agreement entered into under subsection (b)(3), or the alternative obligation imposed under paragraph (1), shall be subject to the repayment provisions under section 216.

“(g) RULEMAKING.—The Secretary shall prescribe regulations to carry out this section, including—

“(1) standards for qualified loans and authorized payees; and

“(2) other terms and conditions for the making of loan repayments.”.

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled “An

Act to reauthorize the Hydrographic Services Improvement Act of 1998, and for other purposes” (Public Law 107-372) is amended by inserting after the item relating to section 266 the following:

“Sec. 267. Education loan repayment program.”.

#### SEC. 202. INTEREST PAYMENTS.

(a) IN GENERAL.—Subtitle E (33 U.S.C. 3071 et seq.), as amended by section 201(a), is further amended by adding at the end the following:

##### “SEC. 268. INTEREST PAYMENT PROGRAM.

“(a) AUTHORITY.—The Secretary may pay the interest and any special allowances that accrue on one or more student loans of an eligible officer, in accordance with this section.

“(b) ELIGIBLE OFFICERS.—An officer is eligible for the benefit described in subsection (a) while the officer—

“(1) is serving on active duty;

“(2) has not completed more than three years of service on active duty;

“(3) is the debtor on one or more unpaid loans described in subsection (c); and

“(4) is not in default on any such loan.

“(c) STUDENT LOANS.—The authority to make payments under subsection (a) may be exercised with respect to the following loans:

“(1) A loan made, insured, or guaranteed under part B of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.).

“(2) A loan made under part D of such title (20 U.S.C. 1087a et seq.).

“(3) A loan made under part E of such title (20 U.S.C. 1087aa et seq.).

“(d) MAXIMUM BENEFIT.—Interest and any special allowance may be paid on behalf of an officer under this section for any of the 36 consecutive months during which the officer is eligible under subsection (b).

“(e) COORDINATION WITH SECRETARY OF EDUCATION.—

“(1) IN GENERAL.—The Secretary shall consult with the Secretary of Education regarding the administration of this section.

“(2) REIMBURSEMENT AUTHORIZED.—The Secretary is authorized to reimburse the Secretary of Education—

“(A) for the funds necessary to pay interest and special allowances on student loans under this section (in accordance with sections 428(o), 455(l), and 464(j) of the Higher Education Act of 1965 (20 U.S.C. 1078(o), 1087e(l), and 1087dd(j)); and

“(B) for any reasonable administrative costs incurred by the Secretary of Education in coordinating the program under this section with the administration of the student loan programs under parts B, D, and E of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq., 1087a et seq., 1087aa et seq.).

“(f) SPECIAL ALLOWANCE DEFINED.—In this section, the term ‘special allowance’ means a special allowance that is payable under section 438 of the Higher Education Act of 1965 (20 U.S.C. 1087-1).”.

(b) CONFORMING AMENDMENTS.—

(1) Section 428(o) of the Higher Education Act of 1965 (20 U.S.C. 1078(o)) is amended—

(A) by striking the subsection heading and inserting “ARMED FORCES AND NOAA COMMISSIONED OFFICER CORPS STUDENT LOAN INTEREST PAYMENT PROGRAMS”; and

(B) in paragraph (1)—

(i) by inserting “or section 268 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002” after “Code.”; and

(ii) by inserting “or an officer in the commissioned officer corps of the National Oceanic and Atmospheric Administration, respectively,” after “Armed Forces”.

(2) Sections 455(l) and 464(j) of the Higher Education Act of 1965 (20 U.S.C. 1087e(l) and 1087dd(j)) are each amended—

(A) by striking the subsection heading and inserting “ARMED FORCES AND NOAA COMMISSIONED OFFICER CORPS STUDENT LOAN INTEREST PAYMENT PROGRAMS”; and

(B) in paragraph (1)—

(i) by inserting “or section 268 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002” after “Code.”; and

(ii) by inserting “or an officer in the commissioned officer corps of the National Oceanic and Atmospheric Administration, respectively” after “Armed Forces”.

(c) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled “An Act to reauthorize the Hydrographic Services Improvement Act of 1998, and for other purposes” (Public Law 107-372), as amended by section 201(b), is further amended by inserting after the item relating to section 267 the following:

“Sec. 268. Interest payment program.”.

#### SEC. 203. STUDENT PRE-COMMISSIONING PROGRAM.

(a) IN GENERAL.—Subtitle E (33 U.S.C. 3071 et seq.), as amended by section 202(a), is further amended by adding at the end the following:

##### “SEC. 269. STUDENT PRE-COMMISSIONING EDUCATION ASSISTANCE PROGRAM.

“(a) AUTHORITY TO PROVIDE FINANCIAL ASSISTANCE.—For the purpose of maintaining adequate numbers of officers of the commissioned officer corps of the Administration on active duty, the Secretary may provide financial assistance to a person described in subsection (b) for expenses of the person while the person is pursuing on a full-time basis at an accredited educational institution (as determined by the Secretary of Education) a program of education approved by the Secretary that leads to—

“(1) a baccalaureate degree in not more than five academic years; or

“(2) a postbaccalaureate degree.

“(b) ELIGIBLE PERSONS.—

“(1) IN GENERAL.—A person is eligible to obtain financial assistance under subsection (a) if the person—

“(A) is enrolled on a full-time basis in a program of education referred to in subsection (a) at any educational institution described in such subsection;

“(B) meets all of the requirements for acceptance into the commissioned officer corps of the Administration except for the completion of a baccalaureate degree; and

“(C) enters into a written agreement with the Secretary described in paragraph (2).

“(2) AGREEMENT.—A written agreement referred to in paragraph (1)(C) is an agreement between the person and the Secretary in which the person—

“(A) agrees to accept an appointment as an officer, if tendered; and

“(B) upon completion of the person's educational program, agrees to serve on active duty, immediately after appointment, for—

“(i) up to three years if the person received less than three years of assistance; and

“(ii) up to five years if the person received at least three years of assistance.

“(c) QUALIFYING EXPENSES.—Expenses for which financial assistance may be provided under subsection (a) are the following:

“(1) Tuition and fees charged by the educational institution involved.

“(2) The cost of educational materials.

“(3) In the case of a program of education leading to a baccalaureate degree, laboratory expenses.

“(4) Such other expenses as the Secretary considers appropriate.

“(d) LIMITATION ON AMOUNT.—The Secretary shall prescribe the amount of financial assistance provided to a person under subsection (a), which may not exceed the

amount specified in section 2173(e)(2) of title 10, United States Code, for each year of obligated service that a person agrees to serve in an agreement described in subsection (b)(2).

“(e) DURATION OF ASSISTANCE.—Financial assistance may be provided to a person under subsection (a) for not more than five consecutive academic years.

“(f) SUBSISTENCE ALLOWANCE.—

“(1) IN GENERAL.—A person who receives financial assistance under subsection (a) shall be entitled to a monthly subsistence allowance at a rate prescribed under paragraph (2) for the duration of the period for which the person receives such financial assistance.

“(2) DETERMINATION OF AMOUNT.—The Secretary shall prescribe monthly rates for subsistence allowance provided under paragraph (1), which shall be equal to the amount specified in section 2144(a) of title 10, United States Code.

“(g) INITIAL CLOTHING ALLOWANCE.—

“(1) TRAINING.—The Secretary may prescribe a sum which shall be credited to each person who receives financial assistance under subsection (a) to cover the cost of the person's initial clothing and equipment issue.

“(2) APPOINTMENT.—Upon completion of the program of education for which a person receives financial assistance under subsection (a) and acceptance of appointment in the commissioned officer corps of the Administration, the person may be issued a subsequent clothing allowance equivalent to that normally provided to a newly appointed officer.

“(h) TERMINATION OF FINANCIAL ASSISTANCE.—

“(1) IN GENERAL.—The Secretary shall terminate the assistance provided to a person under this section if—

“(A) the Secretary accepts a request by the person to be released from an agreement described in subsection (b)(2);

“(B) the misconduct of the person results in a failure to complete the period of active duty required under the agreement; or

“(C) the person fails to fulfill any term or condition of the agreement.

“(2) REIMBURSEMENT.—The Secretary may require a person who receives assistance described in subsection (c), (f), or (g) under an agreement entered into under subsection (b)(1)(C) to reimburse the Secretary in an amount that bears the same ratio to the total costs of the assistance provided to that person as the unserved portion of active duty bears to the total period of active duty the officer agreed to serve under the agreement.

“(3) WAIVER.—The Secretary may waive the service obligation of a person through an agreement entered into under subsection (b)(1)(C) if the person—

“(A) becomes unqualified to serve on active duty in the commissioned officer corps of the Administration because of a circumstance not within the control of that person; or

“(B) is—

“(i) not physically qualified for appointment; and

“(ii) determined to be unqualified for service in the commissioned officer corps of the Administration because of a physical or medical condition that was not the result of the person's own misconduct or grossly negligent conduct.

“(4) OBLIGATION AS DEBT TO UNITED STATES.—An obligation to reimburse the Secretary imposed under paragraph (2) is, for all purposes, a debt owed to the United States.

“(5) DISCHARGE IN BANKRUPTCY.—A discharge in bankruptcy under title 11, United States Code, that is entered less than five years after the termination of a written agreement entered into under subsection

(b)(1)(C) does not discharge the person signing the agreement from a debt arising under such agreement or under paragraph (2).

“(i) REGULATIONS.—The Secretary may prescribe such regulations and orders as the Secretary considers appropriate to carry out this section.

“(j) CONCURRENT COMPLETION OF SERVICE OBLIGATIONS.—A service obligation under this section may be completed concurrently with a service obligation under section 216.”.

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled “An Act to reauthorize the Hydrographic Services Improvement Act of 1998, and for other purposes” (Public Law 107-372), as amended by section 202(c), is further amended by inserting after the item relating to section 268 the following:

“Sec. 269. Student pre-commissioning education assistance program.”.

#### SEC. 204. LIMITATION ON EDUCATIONAL ASSISTANCE.

(a) IN GENERAL.—Each fiscal year, beginning with the fiscal year in which this Act is enacted, the Secretary of Commerce shall ensure that the total amount expended by the Secretary under section 267 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (as added by section 201(a)), section 268 of such Act (as added by section 202(a)), and section 269 of such Act (as added by section 203(a)) does not exceed the amount by which—

(1) the total amount the Secretary would pay in that fiscal year to officer candidates under section 203(f)(1) of title 37, United States Code (as added by section 305(d)), if such section entitled officer candidates to pay at monthly rates equal to the basic pay of a commissioned officer in the pay grade O-1 with less than 2 years of service, exceeds

(2) the total amount the Secretary actually pays in that fiscal year to officer candidates under section 203(f)(1) of such title (as so added).

(b) OFFICER CANDIDATE DEFINED.—In this section, the term “officer candidate” has the meaning given the term in paragraph (4) of section 212(b) of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3002), as added by section 305(c).

#### SEC. 205. APPLICABILITY OF CERTAIN PROVISIONS OF TITLE 10, UNITED STATES CODE, AND EXTENSION OF CERTAIN AUTHORITIES APPLICABLE TO MEMBERS OF THE ARMED FORCES TO COMMISSIONED OFFICER CORPS.

(a) APPLICABILITY OF CERTAIN PROVISIONS OF TITLE 10.—Section 261(a) (33 U.S.C. 3071(a)) is amended—

(1) by redesignating paragraphs (13) through (16) as paragraphs (22) through (25), respectively;

(2) by redesignating paragraphs (7) through (12) as paragraphs (14) through (19), respectively;

(3) by redesignating paragraphs (4) through (6) as paragraphs (8) through (10), respectively;

(4) by inserting after paragraph (3) the following:

“(4) Section 771, relating to unauthorized wearing of uniforms.

“(5) Section 774, relating to wearing religious apparel while in uniform.

“(6) Section 982, relating to service on State and local juries.

“(7) Section 1031, relating to administration of oaths.”;

(5) by inserting after paragraph (10), as redesignated, the following:

“(11) Section 1074n, relating to annual mental health assessments.

“(12) Section 1090a, relating to referrals for mental health evaluations.

“(13) Chapter 58, relating to the Benefits and Services for members being separated or recently separated.”; and

(6) by inserting after paragraph (19), as redesignated, the following:

“(20) Subchapter I of chapter 88, relating to Military Family Programs, applicable on an as-available and fully reimbursable basis.

“(21) Section 2005, relating to advanced education assistance, active duty agreements, and reimbursement requirements.”.

(b) EXTENSION OF CERTAIN AUTHORITIES.—

(1) NOTARIAL SERVICES.—Section 1044a of title 10, United States Code, is amended—

(A) in subsection (a)(1), by striking “armed forces” and inserting “uniformed services”; and

(B) in subsection (b)(4), by striking “armed forces” both places it appears and inserting “uniformed services”.

(2) ACCEPTANCE OF VOLUNTARY SERVICES FOR PROGRAMS SERVING MEMBERS AND THEIR FAMILIES.—Section 1588 of such title is amended—

(A) in subsection (a)(3), in the matter before subparagraph (A), by striking “armed forces” and inserting “uniformed services”; and

(B) by adding at the end the following new subsection:

“(g) SECRETARY CONCERNED FOR ACCEPTANCE OF SERVICES FOR PROGRAMS SERVING MEMBERS OF NOAA CORPS AND THEIR FAMILIES.—For purposes of the acceptance of services described in subsection (a)(3), the term ‘Secretary concerned’ in subsection (a) shall include the Secretary of Commerce with respect to members of the commissioned officer corps of the National Oceanic and Atmospheric Administration.”.

(3) CAPSTONE COURSE FOR NEWLY SELECTED FLAG OFFICERS.—Section 2153 of such title is amended—

(A) in subsection (a)—

(i) by inserting “or the commissioned officer corps of the National Oceanic and Atmospheric Administration” after “in the case of the Navy”; and

(ii) by striking “other armed forces” and inserting “other uniformed services”; and

(B) in subsection (b)(1), in the matter before subparagraph (A), by inserting “or the Secretary of Commerce, as applicable,” after “the Secretary of Defense”.

#### SEC. 206. APPLICABILITY OF CERTAIN PROVISIONS OF TITLE 37, UNITED STATES CODE.

(a) IN GENERAL.—Subtitle E (33 U.S.C. 3071 et seq.) is amended by inserting after section 261 the following:

#### “SEC. 261A. APPLICABILITY OF CERTAIN PROVISIONS OF TITLE 37, UNITED STATES CODE.

“The provisions of law applicable to the Armed Forces under the following provisions of title 37, United States Code, shall apply to the commissioned officer corps of the Administration:

“(1) Section 403(l), relating to temporary continuation of housing allowance for dependents of members dying on active duty.

“(2) Section 415, relating to initial uniform allowances.

“(3) Section 488, relating to allowances for recruiting expenses.”.

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled “An Act to reauthorize the Hydrographic Services Improvement Act of 1998, and for other purposes” (Public Law 107-372) is amended by inserting after the item relating to section 261 the following:

“Sec. 261A. Applicability of certain provisions of title 37, United States Code.”.

**SEC. 207. PROHIBITION ON RETALIATORY PERSONNEL ACTIONS.**

(a) IN GENERAL.—Subsection (a) of section 261 (33 U.S.C. 3071), as amended by section 205(a), is further amended—

(1) by redesignating paragraphs (8) through (25) as paragraphs (9) through (26), respectively; and

(2) by inserting after paragraph (7) the following:

“(8) Section 1034, relating to protected communications and prohibition of retaliatory personnel actions.”.

(b) CONFORMING AMENDMENT.—Subsection (b) of such section 261 is amended by adding at the end the following: “For purposes of paragraph (8) of subsection (a), the term ‘Inspector General’ in section 1034 of such title 10 shall mean the Inspector General of the Department of Commerce.”.

(c) REGULATIONS.—Such section is further amended by adding at the end the following:

“(c) REGULATIONS REGARDING PROTECTED COMMUNICATIONS AND PROHIBITION OF RETALIATORY PERSONNEL ACTIONS.—The Secretary may prescribe regulations to carry out the application of section 1034 of title 10, United States Code, to the commissioned officer corps of the Administration, including by prescribing such administrative procedures for investigation and appeal within the commissioned officer corps as the Secretary considers appropriate.”.

**SEC. 208. EMPLOYMENT AND REEMPLOYMENT RIGHTS.**

Section 4303(16) of title 38, United States Code, is amended by inserting “the commissioned officer corps of the National Oceanic and Atmospheric Administration,” after “Public Health Service.”.

**SEC. 209. TREATMENT OF COMMISSION IN COMMISSIONED OFFICER CORPS FOR PURPOSES OF CERTAIN HIRING DECISIONS.**

(a) IN GENERAL.—Subtitle E (33 U.S.C. 3071 et seq.), as amended by this Act, is further amended by adding at the end the following:

“SEC. 269A. TREATMENT OF COMMISSION IN COMMISSIONED OFFICER CORPS AS EMPLOYMENT IN ADMINISTRATION FOR PURPOSES OF CERTAIN HIRING DECISIONS.

“(a) IN GENERAL.—In any case in which the Secretary accepts an application for a position of employment with the Administration and limits consideration of applications for such position to applications submitted by individuals serving in a career or career-conditional position in the competitive service within the Administration, the Secretary shall deem an officer who has served as an officer in the commissioned officer corps of the Administration for at least three years to be serving in a career or career-conditional position in the competitive service within the Administration for purposes of such limitation.

“(b) CAREER APPOINTMENTS.—If the Secretary selects an application submitted by an officer described in subsection (a) for a position described in such subsection, the Secretary shall give such officer a career or career-conditional appointment in the competitive service, as appropriate.

“(c) COMPETITIVE SERVICE DEFINED.—In this section, the term ‘competitive service’ has the meaning given the term in section 2102 of title 5, United States Code.”.

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled “An Act to reauthorize the Hydrographic Services Improvement Act of 1998, and for other purposes” (Public Law 107-372) is amended by inserting after the item relating to section 269, as added by section 203(b), the following new item:

“Sec. 269A. Treatment of commission in commissioned officer corps as employment in Administration for purposes of certain hiring decisions.”.

**TITLE III—APPOINTMENTS AND PROMOTION OF OFFICERS****SEC. 301. APPOINTMENTS.**

(a) ORIGINAL APPOINTMENTS.—Section 221 (33 U.S.C. 3021) is amended to read as follows:

“SEC. 221. ORIGINAL APPOINTMENTS AND REAPPOINTMENTS.

“(a) ORIGINAL APPOINTMENTS.—

“(1) GRADES.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), an original appointment of an officer may be made in such grades as may be appropriate for—

“(i) the qualification, experience, and length of service of the appointee; and

“(ii) the commissioned officer corps of the Administration.

“(B) APPOINTMENT OF OFFICER CANDIDATES.—

“(i) LIMITATION ON GRADE.—An original appointment of an officer candidate, upon graduation from the basic officer training program of the commissioned officer corps of the Administration, may not be made in any other grade than ensign.

“(ii) RANK.—Officer candidates receiving appointments as ensigns upon graduation from the basic officer training program shall take rank according to their proficiency as shown by the order of their merit at date of graduation.

“(2) SOURCE OF APPOINTMENTS.—An original appointment may be made from among the following:

“(A) Graduates of the basic officer training program of the commissioned officer corps of the Administration.

“(B) Subject to the approval of the Secretary of Defense, graduates of the military service academies of the United States who otherwise meet the academic standards for enrollment in the training program described in subparagraph (A).

“(C) Graduates of the State maritime academies who—

“(i) otherwise meet the academic standards for enrollment in the training program described in subparagraph (A);

“(ii) completed at least three years of regimented training while at a State maritime academy; and

“(iii) obtained an unlimited tonnage or unlimited horsepower Merchant Mariner Credential from the United States Coast Guard.

“(D) Licensed officers of the United States merchant marine who have served two or more years aboard a vessel of the United States in the capacity of a licensed officer, who otherwise meet the academic standards for enrollment in the training program described in subparagraph (A).

“(3) DEFINITIONS.—In this subsection:

“(A) MILITARY SERVICE ACADEMIES OF THE UNITED STATES.—The term ‘military service academies of the United States’ means the following:

“(i) The United States Military Academy, West Point, New York.

“(ii) The United States Naval Academy, Annapolis, Maryland.

“(iii) The United States Air Force Academy, Colorado Springs, Colorado.

“(iv) The United States Coast Guard Academy, New London, Connecticut.

“(v) The United States Merchant Marine Academy, Kings Point, New York.

“(B) STATE MARITIME ACADEMY.—The term ‘State maritime academy’ has the meaning given the term in section 51102 of title 46, United States Code.

“(b) REAPPOINTMENT.—

“(1) IN GENERAL.—Except as provided in paragraph (2), an individual who previously

served in the commissioned officer corps of the Administration may be appointed by the Secretary to the grade the individual held prior to separation.

“(2) REAPPOINTMENTS TO HIGHER GRADES.—An appointment under paragraph (1) to a position of importance and responsibility designated under section 228 may only be made by the President.

“(c) QUALIFICATIONS.—An appointment under subsection (a) or (b) may not be given to an individual until the individual’s mental, moral, physical, and professional fitness to perform the duties of an officer has been established under such regulations as the Secretary shall prescribe.

“(d) ORDER OF PRECEDENCE.—Appointees under this section shall take precedence in the grade to which appointed in accordance with the dates of their commissions as commissioned officers in such grade. The order of precedence of appointees whose dates of commission are the same shall be determined by the Secretary.

“(e) INTER-SERVICE TRANSFERS.—For inter-service transfers (as described in Department of Defense Directive 1300.4 (dated December 27, 2006)) the Secretary shall—

“(1) coordinate with the Secretary of Defense and the Secretary of the Department in which the Coast Guard is operating to promote and streamline inter-service transfers;

“(2) give preference to such inter-service transfers for recruitment purposes as determined appropriate by the Secretary; and

“(3) reappoint such inter-service transfers to the equivalent grade in the commissioned officer corps of the Administration.”.

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled “An Act to reauthorize the Hydrographic Services Improvement Act of 1998, and for other purposes” (Public Law 107-372) is amended by striking the item relating to section 221 and inserting the following:

“Sec. 221. Original appointments and reappointments.”.

**SEC. 302. PERSONNEL BOARDS.**

Section 222 (33 U.S.C. 3022) is amended to read as follows:

“SEC. 222. PERSONNEL BOARDS.

“(a) CONVENING.—Not less frequently than once each year and at such other times as the Secretary determines necessary, the Secretary shall convene a personnel board.

“(b) MEMBERSHIP.—

“(1) IN GENERAL.—A board convened under subsection (a) shall consist of five or more officers who are serving in or above the permanent grade of the officers under consideration by the board.

“(2) RETIRED OFFICERS.—Officers on the retired list may be recalled to serve on such personnel boards as the Secretary considers necessary.

“(3) NO MEMBERSHIP ON TWO SUCCESSIVE BOARDS.—No officer may be a member of two successive personnel boards convened to consider officers of the same grade for promotion or separation.

“(c) DUTIES.—Each personnel board shall—

“(1) recommend to the Secretary such changes as may be necessary to correct any erroneous position on the lineal list that was caused by administrative error; and

“(2) make selections and recommendations to the Secretary and the President for the appointment, promotion, involuntary separation, continuation, and involuntary retirement of officers in the commissioned officer corps of the Administration as prescribed in this title.

“(d) ACTION ON RECOMMENDATIONS NOT ACCEPTABLE.—If any recommendation by a board convened under subsection (a) is not accepted by the Secretary or the President, the board shall make such further recommendations as the Secretary or the President considers appropriate.



“(e) AUTHORITY FOR OFFICERS TO OPT OUT OF PROMOTION CONSIDERATION.—

“(1) IN GENERAL.—The Director of the National Oceanic and Atmospheric Administration Commissioned Officer Corps may provide that an officer, upon the officer's request and with the approval of the Director, be excluded from consideration for promotion by a personnel board convened under this section.

“(2) APPROVAL.—The Director shall approve a request made by an officer under paragraph (1) only if—

“(A) the basis for the request is to allow the officer to complete a broadening assignment, advanced education, another assignment of significant value to the Administration, a career progression requirement delayed by the assignment or education, or a qualifying personal or professional circumstance, as determined by the Director;

“(B) the Director determines the exclusion from consideration is in the best interest of the Administration; and

“(C) the officer has not previously failed selection for promotion to the grade for which the officer requests the exclusion from consideration.”.

### SEC. 303. POSITIONS OF IMPORTANCE AND RESPONSIBILITY.

Section 228 (33 U.S.C. 3028) is amended—

(1) in subsection (c)—

(A) in the first sentence, by striking “The Secretary shall designate one position under this section” and inserting “The President shall designate one position”; and

(B) in the second sentence, by striking “That position shall be filled by” and inserting “The President shall fill that position by appointing, by and with the advice and consent of the Senate.”;

(2) in subsection (d)(2), by inserting “or immediately beginning a period of terminal leave” after “for which a higher grade is designated”; and

(3) by amending subsection (e) to read as follows:

“(e) LIMIT ON NUMBER OF OFFICERS APPOINTED.—The total number of officers serving on active duty at any one time in the grade of rear admiral (lower half) or above may not exceed five, with only one serving in the grade of vice admiral.”; and

(4) in subsection (f), by inserting “or in a period of annual leave used at the end of the appointment” after “serving in that grade”.

### SEC. 304. TEMPORARY APPOINTMENTS.

(a) IN GENERAL.—Section 229 (33 U.S.C. 3029) is amended to read as follows:

#### “SEC. 229. TEMPORARY APPOINTMENTS.

“(a) APPOINTMENTS BY PRESIDENT.—Temporary appointments in the grade of ensign, lieutenant junior grade, or lieutenant may be made by the President.

“(b) TERMINATION.—A temporary appointment to a position under subsection (a) shall terminate upon approval of a permanent appointment for such position made by the President.

“(c) ORDER OF PRECEDENCE.—Appointees under subsection (a) shall take precedence in the grade to which appointed in accordance with the dates of their appointments as officers in such grade. The order of precedence of appointees who are appointed on the same date shall be determined by the Secretary.

“(d) ANY ONE GRADE.—When determined by the Secretary to be in the best interest of the commissioned officer corps of the Administration, officers in any permanent grade may be temporarily promoted one grade by the President. Any such temporary promotion terminates upon the transfer of the officer to a new assignment.”.

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled “An Act to reauthorize the Hydrographic Services Improvement Act of 1998, and for other purposes” (Public Law 107-372) is amended by striking the item relating to section 229 and inserting the following:

ices Improvement Act of 1998, and for other purposes” (Public Law 107-372) is amended by striking the item relating to section 229 and inserting the following:

“Sec. 229. Temporary appointments.”.

### SEC. 305. OFFICER CANDIDATES.

(a) IN GENERAL.—Subtitle B (33 U.S.C. 3021 et seq.) is amended by adding at the end the following:

#### “SEC. 234. OFFICER CANDIDATES.

“(a) DETERMINATION OF NUMBER.—The Secretary shall determine the number of appointments of officer candidates.

“(b) APPOINTMENT.—Appointment of officer candidates shall be made under regulations, which the Secretary shall prescribe, including regulations with respect to determining age limits, methods of selection of officer candidates, term of service as an officer candidate before graduation from the basic officer training program of the Administration, and all other matters affecting such appointment.

“(c) DISMISSAL.—The Secretary may dismiss from the basic officer training program of the Administration any officer candidate who, during the officer candidate's term as an officer candidate, the Secretary considers unsatisfactory in either academics or conduct, or not adapted for a career in the commissioned officer corps of the Administration. Officer candidates shall be subject to rules governing discipline prescribed by the Director of the National Oceanic and Atmospheric Administration Commissioned Officer Corps.

“(d) AGREEMENT.—

“(1) IN GENERAL.—Each officer candidate shall sign an agreement with the Secretary in accordance with section 216(a)(2) regarding the officer candidate's term of service in the commissioned officer corps of the Administration.

“(2) ELEMENTS.—An agreement signed by an officer candidate under paragraph (1) shall provide that the officer candidate agrees to the following:

“(A) That the officer candidate will complete the course of instruction at the basic officer training program of the Administration.

“(B) That upon graduation from such program, the officer candidate—

“(i) will accept an appointment, if tendered, as an officer; and

“(ii) will serve on active duty for at least four years immediately after such appointment.

“(e) REGULATIONS.—The Secretary shall prescribe regulations to carry out this section. Such regulations shall include—

“(1) standards for determining what constitutes a breach of an agreement signed under subsection (d)(1); and

“(2) procedures for determining whether such a breach has occurred.

“(f) REPAYMENT.—An officer candidate or former officer candidate who does not fulfill the terms of the obligation to serve as specified under subsection (d) shall be subject to the repayment provisions of section 216(b).”.

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled “An Act to reauthorize the Hydrographic Services Improvement Act of 1998, and for other purposes” (Public Law 107-372) is amended by inserting after the item relating to section 233 the following:

“Sec. 234. Officer candidates.”.

(c) OFFICER CANDIDATE DEFINED.—Section 212(b) (33 U.S.C. 3002(b)) is amended—

(1) by redesignating paragraphs (4) through (6) as paragraphs (5) through (7), respectively; and

(2) by inserting after paragraph (3) the following:

“(4) OFFICER CANDIDATE.—The term ‘officer candidate’ means an individual who is en-

rolled in the basic officer training program of the Administration and is under consideration for appointment as an officer under section 221(a)(2)(A).”.

(d) PAY FOR OFFICER CANDIDATES.—Section 203 of title 37, United States Code, is amended by adding at the end the following:

“(f)(1) An officer candidate enrolled in the basic officer training program of the commissioned officer corps of the National Oceanic and Atmospheric Administration is entitled, while participating in such program, to monthly officer candidate pay at monthly rates equal to the basic pay of an enlisted member in the pay grade E-5 with less than two years of service.

“(2) An individual who graduates from such program shall receive credit for the time spent participating in such program as if such time were time served while on active duty as a commissioned officer. If the individual does not graduate from such program, such time shall not be considered creditable for active duty or pay.”.

### SEC. 306. PROCUREMENT OF PERSONNEL.

(a) IN GENERAL.—Subtitle B (33 U.S.C. 3021 et seq.), as amended by section 305(a), is further amended by adding at the end the following:

#### “SEC. 235. PROCUREMENT OF PERSONNEL.

“The Secretary may take such measures as the Secretary determines necessary in order to obtain recruits for the commissioned officer corps of the Administration, including advertising.”.

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled “An Act to reauthorize the Hydrographic Services Improvement Act of 1998, and for other purposes” (Public Law 107-372), as amended by section 305(b), is further amended by inserting after the item relating to section 234 the following:

“Sec. 235. Procurement of personnel.”.

### SEC. 307. CAREER INTERMISSION PROGRAM.

(a) IN GENERAL.—Subtitle B (33 U.S.C. 3021 et seq.), as amended by section 306(a), is further amended by adding at the end the following:

#### “SEC. 236. CAREER FLEXIBILITY TO ENHANCE RETENTION OF OFFICERS.

“(a) PROGRAMS AUTHORIZED.—The Secretary may carry out a program under which officers may be inactivated from active duty in order to meet personal or professional needs and returned to active duty at the end of such period of inactivation from active duty.

“(b) PERIOD OF INACTIVATION FROM ACTIVE DUTY; EFFECT OF INACTIVATION.—

“(1) IN GENERAL.—The period of inactivation from active duty under a program under this section of an officer participating in the program shall be such period as the Secretary shall specify in the agreement of the officer under subsection (c), except that such period may not exceed three years.

“(2) EXCLUSION FROM RETIREMENT.—Any period of participation of an officer in a program under this section shall not count toward eligibility for retirement or computation of retired pay under subtitle C.

“(c) AGREEMENT.—Each officer who participates in a program under this section shall enter into a written agreement with the Secretary under which that officer shall agree as follows:

“(1) To undergo during the period of the inactivation of the officer from active duty under the program such inactive duty training as the Director of the National Oceanic and Atmospheric Administration Commissioned Officer Corps shall require in order to ensure that the officer retains proficiency, at a level determined by the Director to be sufficient, in the technical skills, professional qualifications, and physical readiness of the

officer during the inactivation of the officer from active duty.

“(2) Following completion of the period of the inactivation of the officer from active duty under the program, to serve two months on active duty for each month of the period of the inactivation of the officer from active duty under the program.

“(d) CONDITIONS OF RELEASE.—The Secretary shall—

“(1) prescribe regulations specifying the guidelines regarding the conditions of release that must be considered and addressed in the agreement required by subsection (c); and

“(2) at a minimum, prescribe the procedures and standards to be used to instruct an officer on the obligations to be assumed by the officer under paragraph (1) of such subsection while the officer is released from active duty.

“(e) ORDER TO ACTIVE DUTY.—Under regulations prescribed by the Secretary, an officer participating in a program under this section may, in the discretion of the Secretary, be required to terminate participation in the program and be ordered to active duty.

“(f) PAY AND ALLOWANCES.—

“(1) BASIC PAY.—During each month of participation in a program under this section, an officer who participates in the program shall be paid basic pay in an amount equal to two-thirtieths of the amount of monthly basic pay to which the officer would otherwise be entitled under section 204 of title 37, United States Code, as a member of the uniformed services on active duty in the grade and years of service of the officer when the officer commences participation in the program.

“(2) SPECIAL OR INCENTIVE PAY OR BONUS.—

“(A) PROHIBITION.—An officer who participates in a program under this section shall not, while participating in the program, be paid any special or incentive pay or bonus to which the officer is otherwise entitled under an agreement under chapter 5 of title 37, United States Code, that is in force when the officer commences participation in the program.

“(B) NOT TREATED AS FAILURE TO PERFORM SERVICES.—The inactivation from active duty of an officer participating in a program under this section shall not be treated as a failure of the officer to perform any period of service required of the officer in connection with an agreement for a special or incentive pay or bonus under chapter 5 of title 37, United States Code, that is in force when the officer commences participation in the program.

“(3) RETURN TO ACTIVE DUTY.—

“(A) SPECIAL OR INCENTIVE PAY OR BONUS.—Subject to subparagraph (B), upon the return of an officer to active duty after completion by the officer of participation in a program under this section—

“(i) any agreement entered into by the officer under chapter 5 of title 37, United States Code, for the payment of a special or incentive pay or bonus that was in force when the officer commenced participation in the program shall be revived, with the term of such agreement after revival being the period of the agreement remaining to run when the officer commenced participation in the program; and

“(ii) any special or incentive pay or bonus shall be payable to the officer in accordance with the terms of the agreement concerned for the term specified in clause (i).

“(B) LIMITATION.—

“(i) IN GENERAL.—Subparagraph (A) shall not apply to any special or incentive pay or bonus otherwise covered by that subparagraph with respect to an officer if, at the

time of the return of the officer to active duty as described in that subparagraph—

“(I) such pay or bonus is no longer authorized by law; or

“(II) the officer does not satisfy eligibility criteria for such pay or bonus as in effect at the time of the return of the officer to active duty.

“(ii) PAY OR BONUS CEASES BEING AUTHORIZED.—Subparagraph (A) shall cease to apply to any special or incentive pay or bonus otherwise covered by that subparagraph with respect to an officer if, during the term of the revived agreement of the officer under subparagraph (A)(i), such pay or bonus ceases being authorized by law.

“(C) REPAYMENT.—An officer who is ineligible for payment of a special or incentive pay or bonus otherwise covered by this paragraph by reason of subparagraph (B)(i)(II) shall be subject to the requirements for repayment of such pay or bonus in accordance with the terms of the applicable agreement of the officer under chapter 5 of title 37, United States Code.

“(D) REQUIRED SERVICE IS ADDITIONAL.—Any service required of an officer under an agreement covered by this paragraph after the officer returns to active duty as described in subparagraph (A) shall be in addition to any service required of the officer under an agreement under subsection (c).

“(4) TRAVEL AND TRANSPORTATION ALLOWANCE.—

“(A) IN GENERAL.—Subject to subparagraph (B), an officer who participates in a program under this section is entitled, while participating in the program, to the travel and transportation allowances authorized by section 474 of title 37, United States Code, for—

“(i) travel performed from the residence of the officer, at the time of release from active duty to participate in the program, to the location in the United States designated by the officer as the officer's residence during the period of participation in the program; and

“(ii) travel performed to the residence of the officer upon return to active duty at the end of the participation of the officer in the program.

“(B) SINGLE RESIDENCE.—An allowance is payable under this paragraph only with respect to travel of an officer to and from a single residence.

“(5) LEAVE BALANCE.—An officer who participates in a program under this section is entitled to carry forward the leave balance existing as of the day on which the officer begins participation and accumulated in accordance with section 701 of title 10, United States Code, but not to exceed 60 days.

“(g) PROMOTION.—

“(1) IN GENERAL.—An officer participating in a program under this section shall not, while participating in the program, be eligible for consideration for promotion under subtitle B.

“(2) RETURN TO SERVICE.—Upon the return of an officer to active duty after completion by the officer of participation in a program under this section—

“(A) the Secretary may adjust the date of rank of the officer in such manner as the Secretary shall prescribe in regulations for purposes of this section; and

“(B) the officer shall be eligible for consideration for promotion when officers of the same competitive category, grade, and seniority are eligible for consideration for promotion.

“(h) CONTINUED ENTITLEMENTS.—An officer participating in a program under this section shall, while participating in the program, be treated as a member of the uniformed services on active duty for a period of more than 30 days for purposes of—

“(1) the entitlement of the officer and of the dependents of the officer to medical and dental care under the provisions of chapter 55 of title 10, United States Code; and

“(2) retirement or separation for physical disability under the provisions of subtitle C.”.

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled “An Act to reauthorize the Hydrographic Services Improvement Act of 1998, and for other purposes” (Public Law 107-372), as amended by section 306(b), is further amended by inserting after the item relating to section 235 the following:

“Sec. 236. Career flexibility to enhance retention of officers.”.

#### **TITLE IV—SEPARATION AND RETIREMENT OF OFFICERS**

##### **SEC. 401. INVOLUNTARY RETIREMENT OR SEPARATION.**

Section 241 (33 U.S.C. 3041) is amended by adding at the end the following:

“(d) DEFERMENT OF RETIREMENT OR SEPARATION FOR MEDICAL REASONS.—

“(1) IN GENERAL.—If the Secretary determines that the evaluation of the medical condition of an officer requires hospitalization or medical observation that cannot be completed with confidence in a manner consistent with the officer's well-being before the date on which the officer would otherwise be required to retire or be separated under this section, the Secretary may defer the retirement or separation of the officer.

“(2) CONSENT REQUIRED.—A deferment may only be made with the written consent of the officer involved. If the officer does not provide written consent to the deferment, the officer shall be retired or separated as scheduled.

“(3) LIMITATION.—A deferment of retirement or separation under this subsection may not extend for more than 30 days after completion of the evaluation requiring hospitalization or medical observation.”.

##### **SEC. 402. SEPARATION PAY.**

Section 242 (33 U.S.C. 3042) is amended by adding at the end the following:

“(d) EXCEPTION.—An officer discharged for twice failing selection for promotion to the next higher grade is not entitled to separation pay under this section if the officer—

“(1) expresses a desire not to be selected for promotion; or

“(2) requests removal from the list of selectees.”.

#### **TITLE V—OTHER NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION MATTERS**

##### **SEC. 501. CHARTING AND SURVEY SERVICES.**

(a) IN GENERAL.—Not later than 270 days after the development of the strategy required by section 1002(b) of the Frank LoBiondo Coast Guard Authorization Act of 2018 (33 U.S.C. 892a note), the Secretary of Commerce shall enter into not fewer than 2 multi-year contracts with 1 or more private entities for the performance of charting and survey services by vessels.

(b) CHARTING AND SURVEYS IN THE ARCTIC.—In soliciting and engaging the services of vessels under subsection (a), the Secretary shall particularly emphasize the need for charting and surveys in the Arctic.

##### **SEC. 502. CO-LOCATION AGREEMENTS.**

(a) IN GENERAL.—During fiscal years 2021 through 2030, and subject to the availability of appropriations, the Administrator of the National Oceanic and Atmospheric Administration may execute noncompetitive co-location agreements for real property and incidental goods and services with entities described in subsection (b) for periods of not more than 20 years, if each such agreement is supported by a price reasonableness analysis.



(b) ENTITIES DESCRIBED.—An entity described in this subsection is—

(1) the government of any State, territory, possession, or locality of the United States; (2) any Tribal organization (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304));

(3) any subdivision of—

(A) a government described in paragraph (1); or

(B) an organization described in paragraph (2); or

(4) any organization that is—

(A) organized under the laws of the United States or any jurisdiction within the United States; and

(B) described in section 501(c) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code.

(c) COLLABORATION AGREEMENTS.—Upon the execution of an agreement authorized by subsection (a) with an entity, the Administrator may enter into agreements with the entity to collaborate or engage in projects or programs on matters of mutual interest for periods not to exceed the term of the agreement. The cost of such agreements shall be apportioned equitably, as determined by the Administrator.

(d) SAVINGS CLAUSE.—Nothing in this section shall be construed—

(1) to affect the authority of the Administrator of General Services; or

(2) to grant the Administrator of the National Oceanic and Atmospheric Administration any additional authority to enter into a lease without approval of the General Services Administration.

#### SEC. 503. SATELLITE AND DATA MANAGEMENT.

Section 301 of the Weather Research and Forecasting Innovation Act of 2017 (15 U.S.C. 8531) is amended—

(1) in subsection (c)(1), by striking subparagraph (D) and inserting the following:

“(D) improve—

“(i) weather and climate forecasting and predictions; and

“(ii) the understanding, management, and exploration of the ocean.”; and

(2) in subsection (d)—

(A) in paragraph (1)—

(i) by striking “data and satellite systems” and inserting “data, satellite, and other observing systems”; and

(ii) by striking “to carry out” and all that follows and inserting the following: “to carry out—

“(A) basic, applied, and advanced research projects and ocean exploration missions to meet the objectives described in subparagraphs (A) through (D) of subsection (c)(1); or

“(B) any other type of project to meet other mission objectives, as determined by the Under Secretary.”;

(B) in paragraph (2)(B)(i), by striking “satellites” and all that follows and inserting “systems, including satellites, instrumentation, ground stations, data, and data processing.”; and

(C) in paragraph (3), by striking “2023” and inserting “2030”.

#### SEC. 504. IMPROVEMENTS RELATING TO SEXUAL HARASSMENT AND ASSAULT PREVENTION AT THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.

(a) REPORTING.—Subtitle C of title XXXV of the National Defense Authorization Act for Fiscal Year 2017 (33 U.S.C. 894 et seq.) is amended—

(1) in section 3541(b)(3)(B) (33 U.S.C. 894(b)(3)(B)), by striking “can be confidentially reported” and inserting “can be reported on a restricted or unrestricted basis”; and

(2) in section 3542(b)(5)(B) (33 U.S.C. 894a(b)(5)(B)), by striking “can be confidentially reported” and inserting “can be reported on a restricted or unrestricted basis”.

(b) INVESTIGATIVE REQUIREMENT.—Such subtitle is amended—

(1) by redesignating sections 3546 and 3547 as sections 3548 and 3549, respectively; and

(2) by inserting after section 3545 the following:

#### “SEC. 3546. INVESTIGATION REQUIREMENT.

“(a) REQUIREMENT TO INVESTIGATE.—

“(1) IN GENERAL.—The Secretary of Commerce, acting through the Under Secretary for Oceans and Atmosphere, shall ensure that each allegation of sexual harassment reported under section 3541 and each allegation of sexual assault reported under section 3542 is investigated thoroughly and promptly.

“(2) SENSE OF CONGRESS ON COMMENCEMENT OF INVESTIGATION.—It is the sense of Congress that the Secretary should ensure that an investigation of alleged sexual harassment reported under section 3541 or sexual assault reported under section 3542 commences not later than 48 hours after the time at which the allegation was reported.

“(b) NOTIFICATION OF DELAY.—In any case in which the time between the reporting of alleged sexual harassment or sexual assault under section 3541 or 3542, respectively, and commencement of an investigation of the allegation exceeds 48 hours, the Secretary shall notify the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Natural Resources of the House of Representatives of the delay.

#### “SEC. 3547. CRIMINAL REFERRAL.

“If the Secretary of Commerce finds, pursuant to an investigation under section 3546, evidence that a crime may have been committed, the Secretary shall refer the matter to the appropriate law enforcement authorities, including the appropriate United States Attorney.”.

(c) CLERICAL AMENDMENT.—The table of contents in section 2(b) of such Act is amended by striking the items relating to sections 3546 and 3547 and inserting the following new items:

“Sec. 3546. Investigation requirement.

“Sec. 3547. Criminal referral.

“Sec. 3548. Annual report on sexual assaults in the National Oceanic and Atmospheric Administration.

“Sec. 3549. Sexual assault defined.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Hawaii (Mr. CASE) and the gentleman from Utah (Mr. BISHOP) each will control 20 minutes.

The Chair recognizes the gentleman from Hawaii.

#### GENERAL LEAVE

Mr. CASE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the measure under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Hawaii?

There was no objection.

Mr. CASE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of this bipartisan, bicameral measure to treat the commissioned officers of one of our Nation's seven uniformed services, the National Oceanic and Atmospheric Administration Commissioned Officer Corps, with the same basic statutory recruitment, advancement, retention, and benefit structure,

and with the same respect, as is accorded to commissioned officers of our other six armed services, the Army, Navy, Air Force, Marines, Coast Guard, and United States Public Health Service Commissioned Corps.

The bill before us today is led by a Republican, Alaskan Senator SULIVAN. It passed through the Senate committee and the Senate itself by unanimous consent. It is a virtual companion with improvements to H.R. 2406, which was introduced by me and both Democratic and Republican colleagues, and reported out of our Natural Resources Committee.

If passed today, it will go straight to the President, whose Department of Commerce testified to our Natural Resources Committee: “The Department believes this bill would improve NOAA's ability to administer the NOAA Corps. The Department is very supportive of the ability to retain veterans of the NOAA Corps and the unique skill sets they possess. The Office of Management and Budget has advised that there is no objection to the transmittal of these views, from the standpoint of the administration's programs.”

The bill is also supported wholeheartedly by two of our Nation's foremost servicemember organizations, the 350,000-strong Military Officers Association of America, representing all military officers of all services, and the 5.5-million-strong Military Coalition, whose motto is, “Proudly serving all seven uniformed services.”

In fact, but for the isolated objections of a few Members, which we may hear from shortly, which appear to arise from some combination of a fundamental misunderstanding or lack of appreciation for the mission of NOAA and its Uniformed Officer Corps, one could scarcely imagine a more broadly supported measure.

The National Oceanic and Atmospheric Administration, or NOAA, celebrates its half-century anniversary this year as “America's environmental intelligence agency.” Never, during that half-century, has its mission been so important, and never has it been growing so fast.

NOAA now operates oceanic observation and research throughout our world's oceans, measuring the health of our oceans, the health of our fisheries, and weather prediction. It operates atmospheric research and observation, weather prediction, and, again, national hazard warnings.

It operates fisheries enforcement increasingly throughout our world, including in partnership with our friends and allies. It increases partnerships with foreign countries, projecting part of our soft power throughout this world. It does its vital work with a critical team, including the structured, uniformed Commissioned Officer Corps.

The women and men of the NOAA Corps operate NOAA's highly specialized international fleet of research and survey ships and aircraft. They conduct international world-class oceanic

and atmospheric research, including the famous Hurricane Hunter aviators who fly into, above, and around hurricanes to give NOAA's National Weather Service forecasters accurate data for their storm forecasts and warnings used by emergency managers as they make life and death decisions.

Like the other uniformed services, Active Duty NOAA Corps officers spend most of their careers away from home, at sea, in the air, and in remote locations such as Antarctica, conducting this important work. Their work is frequently in increasingly hazardous conditions.

However, the corps is often overlooked in the legislative process, resulting in a patchwork of statutory authorities, benefits, and service obligations.

This bill will help the NOAA Corps improve recruitment, retention, and diversity to attract the best and the brightest commissioned officers and better align the NOAA Corps with the other uniformed services as they continue their service to NOAA and our Nation.

□ 1830

The NOAA Corps Amendments Act is an important step to make sure that the NOAA Corps has the authority it needs to continue as an effective service for our country.

The bill gives the NOAA Corps officers employment rights in line with other uniform services, authorizes education loan repayment programs for NOAA Corps officers, tuition support for prospective officers, and gives NOAA updated authority to manage the size and composition of the corps.

In their letter supporting the NOAA Corps Amendments Act, the Military Officers Association of America, the Nation's leading voice for commissioned officers of all seven uniformed services, highlighted the importance of the NOAA Corps for national defense.

They stated that, "The unique scientific and operational expertise, flexibility, and deployment capability of the NOAA Corps continues to be a force multiplier for U.S. and ally air, land, and sea operation."

This first reauthorization of the NOAA Commissioned Officer Corps since 2002, under the House counterpart bill's co-introducer of the dean of the House, Mr. YOUNG, further improves the diversity of the corps by authorizing financial aid for a student precommissioning education in exchange for service, which will prioritize underserved populations to undertake careers in NOAA and addresses sexual harassment issues by strengthening the corps' policies, including required reporting of potential offenses.

Mr. Speaker, we may shortly hear objections that, as noted, represent a distinct minority in Congress and the uniformed services community. They recite three decades'-old arguments that we have long moved past. They recite

various arguments that could just as easily be made for any other uniformed service.

If we are going to go down that road, should we not make those arguments globally, not selectively and discriminatorily as to one of our seven services?

They recite arguments that are simply inaccurate and, again, that seem to reflect a deep misunderstanding of NOAA's mission.

Here is the bottom line for this bill: NOAA does exist. It has existed for 50 years. It has done its work with a committed officer corps for 50 years. It is not being abolished. That mission, that corps will continue. That mission is critical and its personnel must be recognized and improved. And NOAA officers are commissioned officers in our services and should be fully recognized as such, similar to all others.

Mr. Speaker, I urge all of my colleagues to support this bipartisan, bicameral, needed, and fair bill.

Mr. Speaker, I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, I yield 2 minutes to the gentleman from Alaska (Mr. YOUNG), the dean of our Congress, so he can speak on this bill, and then I will correct the RECORD afterwards.

(Mr. YOUNG asked and was given permission to revise and extend his remarks.)

Mr. YOUNG. Mr. Speaker, I thank my good friend for yielding. I am going to miss Mr. BISHOP, his work, his being a gentleman and a good friend as the years have gone by. I have been through 3,452 Members of Congress, and he is one of the good ones.

I thank Congressman CASE and Senator DAN SULLIVAN for this legislation. I know there is some opposition to it, but in Alaska, NOAA plays a very important role. They do navigation, all types of flood control. I can name all the things they do. They monitor fish stocks.

They manage the tsunami warnings. We have some really good earthquakes in Alaska and some pretty good waves. They give us a warning system that makes it work, and it works very well.

They work on the Sea Grant program, provides highly qualified fellows who are very important. In fact, I think I have hired four in my career and they have worked in my office. They are outstanding young people.

This is a piece of legislation that is bipartisan. It is badly needed. There will be some people who say we don't need it. And I will give NOAA notice right now that sometimes they better wake up. They use an excuse of the flu for not monitoring our fish stocks. In that case, then, they should have gone out and gotten private people to do it for them, because we need that constant flow of information to make sure we don't overfish or underfish the stocks.

So, NOAA, wake up a little bit.

Mr. CASE. Mr. Speaker, I deeply appreciate the support of my friend and

colleague from Alaska, the dean of the House, on this bipartisan, bicameral measure.

Mr. Speaker, I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, I yield 2 minutes to the gentleman from Mississippi (Mr. PALAZZO).

Mr. PALAZZO. Mr. Speaker, I thank the ranking member for yielding.

I rise today in support of S. 2981, the National Oceanic and Atmospheric Administration Commissioned Officer Corps Amendments Act of 2020. This bicameral and bipartisan legislation aims to improve the smallest uniform service in our country, the NOAA Commissioned Officer Corps.

The men and women of the NOAA Corps operate a highly specialized fleet of scientific ships and aircraft, several of which are based in my district on the Mississippi Gulf Coast and along coastlines around the Nation. The research conducted on these scientific platforms helps to improve hurricane forecasts, manage healthy and sustainable fisheries such as red snapper, and ensure safe and efficient maritime commerce on America's waters.

Members of the NOAA Corps are the ones who operate the 9 aircrafts and 15 vessels in NOAA's growing fleet. During a hurricane, they deploy on missions into the storm; and immediately after hurricanes, they deploy to assess damage and map out debris in the channels to open our ports back up as soon as possible.

All these activities are essential to my district and many others, especially this year where we had back-to-back hurricanes in the Gulf impacting our maritime economy and ecosystems.

NOAA Corps officers provide essential scientific and operational expertise needed for NOAA to meet its missions every day. Recognizing NOAA's 50th anniversary and their growing responsibilities, this legislation will help NOAA retain and recruit the most qualified officers and will offer these servicemembers the level of personal and professional support that they deserve.

The 2020 hurricane season confirms that we need to make the right investments so the NOAA Corps can become even better at predicting storms, in turn, protecting life and property while helping conserve our fisheries that are vital to our national heritage.

Mr. Speaker, I believe it is crucial that we reauthorize and support the NOAA Commissioned Officer Corps, and I urge my colleagues to vote in favor of it.

Mr. CASE. Mr. Speaker, I express my appreciation to new colleague, Mr. PALAZZO, for his support of this critical bill.

Those of us that live in the oceans and on the coasts completely understand the value of NOAA, again, as a matter of life and death in many cases, and we understand that NOAA can only do its job with a motivated, high-expertise Corps.

Mr. Speaker, I continue to reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, I am assuming I have the traditional 15 minutes remaining?

The SPEAKER pro tempore. The gentleman from Utah has 16½ minutes remaining.

Mr. BISHOP of Utah. Mr. Speaker, I include in the RECORD two documents. The first document is the dissenting views that Republicans filed on this bill in the committee. The second is the summary of problems that the Department of Commerce Inspector General, the GAO and the NOAA itself have found with the corps, which included a conclusion that the corps does not meet the criteria for military benefits; converting officers to civilians would result in a net savings; that a NOAA Corps officer using a government computer onboard a NOAA ship was accessing child pornography; purposeful violations of the Clean Water Act by NOAA Corps-operated vessels; and a very damning observation that “insufficient oversight and circumvention of statutory requirements as institutionalized organizational behavior and culture” within this NOAA Corps.

#### DISSENTING VIEWS H.R. 2406

No doubt the members of the National Oceanic and Atmospheric Administration Corps of Commissioned Officers (NOAA Corps) are hardworking men and women who are honorably serving our Nation, especially those who pilot into the turbulent hearts of hurricanes. However, there is no justification that this small, underutilized uniformed service should continue to exist, much less be greatly expanded with unprecedented benefits under this legislation.

We are not the only ones who agree with this assessment. The House of Representatives reported or passed (by voice vote) multiple bills that eliminated the NOAA Corps; the Administration itself attempted to shift the Corps into civilian status; and none other than Vice President Al Gore slated the NOAA Corps for elimination as part of his re-inventing government initiative. In part because of the Corps' higher expenses for its military- and veterans-type benefits, the Government Accountability Office (GAO) has determined that the functions of the Corps could be accomplished less expensively using civil servants or private contractors. More seriously, GAO identified the Corps itself as a major impediment to more efficiently and effectively accomplishing its primary missions—to collect coastal and geodetic data, conduct fishery surveys and produce nautical charts—because of its continued insistence that it must use its own ships to accomplish these goals and its reluctance to schedule time on other, newer vessels like the University-National Oceanographic Laboratory System ships or the new \$127M National Science Foundation regional class research vessel. Moreover, the Corps is greatly resistant to creating private-sector jobs by utilizing equally qualified contractors—like those hired by the Army Corps of Engineers, the Navy and the Environmental Protection Agency—to command and staff NOAA ships or conduct coastal surveys. In 1990, the Department of Commerce Inspector General concluded that NOAA Corps members assigned to shore-based duties were 59% more costly than equivalent civilians. If H.R. 2406 is enacted, that cost differential will be even higher.

The Corps recognizes its life-line connection to the NOAA fleet of civilian ships, which has fallen from 21 to 16 since 2008, noting that if NOAA does not invest in recapitalizing its fleet there will be “significant” personnel impacts. The most recent NOAA Fleet Plan (which conveniently omits any costs) notes that half of NOAA's ships are due to be mothballed by 2028. While the Plan calls for the replacement of these ships, Congress has not supported greatly expanding this expensive fleet, providing partial funding for preliminary designs for only a single vessel to date since 2016. Instead, Congress has worked around the Corps, supplying millions to NOAA line offices to conduct fisheries surveys through vessel leases while admonishing NOAA for endangering the lives of those aboard the NOAA vessel *Hialakai* which apparently suffered hull failure. In fact, because of their age, many of the NOAA vessels spend considerable time in dry dock (4 in the most recent NOAA Fleet update) or are otherwise home in port. Perhaps this explains why the most recent billet roster for the 321 NOAA Corps officers show only 94 assigned to ships (including dry-docked ships), while the vast majority are deskbound providing “mission support” or rotating short-term through civil service positions (like “cetacean photo specialist”) in NOAA program offices. These latter positions could otherwise be filled by less expensive civilians with expertise in the subject matter area and with a longer-term commitment to the program.

These numbers illustrate why the average NOAA Corps officer is more likely to face a paper cut than an IED, which begs the question why multiple military and veterans benefits are extended to the Corps under H.R. 2406. During the world wars some NOAA personnel were temporarily assigned to the armed services; this has not recurred, and according to GAO the Department of Defense has no plans to commandeer NOAA Corps officers. However, the modern Corps has used this potential assignment authority as a justification for access to military benefits, like burial at Arlington Cemetery or the G.I. bill. We hope that the House Armed Services and the Veterans Affairs Committees, which received referrals of this legislation, will take a hard look whether these benefits gratefully provided to those who have fought for our freedom should be extended to persons who are not under the Code of Military Justice, whose appointments are not reviewed and approved by the Senate and who apparently aren't even subject to a physical fitness requirement (see section 104 of the bill). Again, we recognize the special case of the NOAA Corps aviators, and would support their transfer to the Coast Guard or another armed service so that legislation like this would be unnecessary.

Giving the sinking NOAA fleet, one of the most troubling aspects of H.R. 2406 is the 55% increase in the size of the Corps and the removal of the legal constraints on the number of officers and certain flag officers. These numbers can be increased even further because the legislation allows the Corps to rehire retired officers or to designate officers serving in “positions of importance and responsibility” who don't count against these caps. In addition, the Corps can have an unlimited number of paid officer candidates to populate the Corps ranks. Under current law, the Corps is restricted to 321 officers and this number can be raised to 379 only if appropriate funding is available and, most importantly, the Secretary of Commerce has “justified organizational needs for the commission corps for each such fiscal year”. Not only has the Corps failed to justify this massive increase, but this legislation strikes these requirements while inflating the Corps

officers' count to an all-time high of 500. The Corps already struggles with funding its handsome benefits and generous retirements, as witnessed by several budget bills to revamp their retirement and benefit system (there are more retired Corps officers than those currently serving, and because Corps officers can retire with as little as 10 years of service, more will join these ranks). Moreover, serious allegations of sexual assault and harassment have also plagued the NOAA Corps, resulting in a recently enacted sexual harassment law specifically targeted to the Corps and Corps funding for sexual assault prevention. The NOAA Corps should get its house in order before recruiting three to six new platoons into its ranks.

Apparently, even with these issues, the NOAA Corps has apparently had no problem filling its current recruitment quota if it needs such a large personnel increase. Understandably so—it is a great gig with almost all the benefits of a military career with few of the risks. Despite this and with no justification, H.R. 2406 creates lavish and expensive new perks and extends even more existing armed forces benefits to current, future and retired Corps members:

Paid three-year sabbatical with travel and transportation allowances and continued medical and dental care;

The ability to opt out of promotion boards. The Corps is supposedly an up-or-out organization but based on a GAO decision analysis, it appears that an officer who failed to be promoted twice can be retained on staff until the officer can qualify for early retirement;

Every single benefit provided to retired or separated armed services members, including employment preferences and assistance, medical and dental care, and commissary and exchange access;

All benefits relating to armed services family programs, including free admission to national parks;

An elaborate student loan repayment program of up to \$60K a year (currently the limit for military doctors and other armed forces health professionals) for as little as one year in service;

A student pre-commissioning program for tuition, fees, education materials, monthly subsistence allowance, and a clothing allowance, where repayment can be waived by the Corps if the student fails to be commissioned and where any obligation can be discharged in bankruptcy under certain circumstances.

Payment for advanced degrees (tuition, room and board) as well as professional credentials for employment post-Corps;

Eligibility for special payments (up to \$60K), including personal money allowances; Mandatory hiring preferences in federal agencies;

Certain senior officers allowed to retain their higher rank and pay while not serving in those positions if approaching retirement; and

Repayment for failure to satisfy service requirements for appointments, training and promotions is discretionary with the Corps, and any obligation can be discharged in bankruptcy under certain circumstances.

Finally, we note that this legislation was not originated or transmitted to Congress by NOAA and was reviewed by the Office of Management and Budget only after the markup of the bill. During the Obama Administration, the Senate Commerce, Science and Transportation Committee contemplated slightly less generous NOAA Corps bills in the past, albeit without any hearings. Perhaps it is just a coincidence that a senior NOAA Corps officer was recently detailed to the Democrat Natural Resources Committee staff who was previously assigned to the Senate Commerce Committee. Given the Committee Democrats'

focus on Trump Administration ethics, we hope that appropriate measures have been put in place to prevent conflicts of interest with this assignment.

#### NOAA CORP ISSUES

In a 1999 Government Accountability Office (GAO) letter to Chairman Ken Calvert, Subcommittee on Energy and Environment, House Committee on Science, indicated that GAO has for years “urged NOAA to aggressively pursue more cost-effective alternatives for acquiring needed marine data.”

“[NOAA] continues to rely heavily on its aging in-house fleet of ships—many of which are costly and inefficient to operate and maintain and lack the latest state-of-the-art technology . . .” and is “reluctant to give serious consideration to the many innovative and more modern ways that private sector . . . could meet its basic marine data needs.”

In a 1996 program evaluation, the Department of Commerce Inspector General recommended that NOAA terminate its fleet modernization efforts, cease investing in its ships, and immediately begin to decommission, sell, or transfer them; and contract for the required ship services.”

In a 1997 testimony from NOAA’s Director of Information Resources Management, the agency expressly stated that NOAA Corps does not meet criteria for receiving military compensation, converting officers to civilians would result in annual net savings, and that entitlement to military rank was an outgrowth of temporary assignments during the second world war, but defense officials envision no role for them in the future.

In 1998, the DOC IG included NOAA’s fleet as one of the top 10 most serious management challenges facing the Department of Commerce.

In 2017, GAO released a new report on NOAA Corp’s functions and again found that the Corp has not succeeded in expanding private sector involvement in data collection—a recommendation made by GAO as early as their 1999 report and the IG’s 1996 recommendations. The report also found NOAA was significantly understating agency costs to conduct data collection functions compared to the private sector.

GAO’s reviews of NOAA’s cost comparison reports from ’06–’16 found that NOAA had not reported significant costs such as acquisition of a \$24 million new vessel, nor did NOAA factor in major vessel maintenance into their operational cost estimates. Ultimately, NOAA Corp simply used costs to measure a single square nautical mile surveyed to compare costs, ignoring those above and other significant operational costs.

This review ultimately found that NOAA Corp did not develop a strategy for expanding private sector, cost effective, data collection as required by law.

NOAA Corp also did not include administrative costs in their comparisons because they “do not have the software to track contract administration costs.”

Ultimately, NOAA determined that carrying out actions in regard to the recommendations of this report would be difficult because it would “[require] the coordination of multiple offices within NOAA . . .”

In 2015, a NOAA Corp officer was found to have had website traffic on a government computer aboard the NOAA ship Ron Brown, which was linked to a “notorious presence of child pornographic images and is frequented by pedophiles.”

In 2014, DOC OIG found the improper discharge of untreated water from a NOAA Corp vessel was an apparent practice—a violation of the Federal Water Pollution Control Act.

#### NOAA CORP ISSUES

In 2008, a NOAA Corp employee was found to have used a government purchase credit

card to purchase \$18,000 in aftermarket parts to their motorcycle.

In 2004, NOAA Corp was found to have consistently failed to follow requirements for Senate confirmation of appointments and promotions since at least 1986. Furthermore, it was found that seventy-five percent of promotions were made without first securing Senate confirmation. The report identified the causes for this problem: insufficient oversight and circumvention of statutory requirements as institutionalized organizational behavior and culture.

Mr. BISHOP of Utah. The NOAA Corps is a very small, underutilized but uniformed service group. It prevents questions with this type of group, with their history that they have, first of all: Why should they exist in the first place? But more significantly, why should they greatly expand and grant unprecedented benefits that this legislation gives to this group?

Congress, the administration, and even Vice President Al Gore all slated this NOAA Corps for elimination. In part, it was because the corps’ higher expenses because of their military-type benefits, even though they perform no military-type activities.

The Government Accounting Office, GAO, determined that the functions of the corps could be less expensively given using civil servants or private collectors. More seriously, the GAO said that the corps itself is a major impediment to more efficiently and effectively accomplishing its missionary statement, which is to collect coastal data, to conduct fishing surveys, and to produce nautical charts.

Now, why is this the case?

Well, in one part because the corps insists that it must use their own ships, which are failing. They are resistant to ever contracting with qualified contractors like the Army Corps of Engineers does and the Navy does and even the EPA does. Even this bill recognizes that problem. If you go to look at section 501, it mandates that at least two private-sector charting and surveying contracts must be given. They recognize that what is happening right now is not effective, it is not efficient, and it is a failure.

The fleet for this corps has gone from 21 down to 15 since 2008, and the GAO also noted that the NOAA fleet plan is to mothball half of their ships by 2028. Congress has only partially funded a single vessel since 2016, but the money that has been gone is still in the millions, and it goes to line officers, not for Naval vessels or for their leases.

If one looks at the recent billet roster, you would find that the NOAA Corps has 94 of its 321 officers assigned to ships. Only 94. That includes the dry-docked ships. The vast majority of their officers are desk-bound, providing, as NOAA says, mission support like having a whale photographer.

Now, giving the sinking number of the NOAA fleet, the increased cost of the NOAA officers, the most troubling aspect of this particular bill is a 55 percent increase in the size of the corps; not in the amount of work to be done, but in the size of the corps.

The corps now is restricted to 321 officers. It can be raised to 379 officers only if there is appropriate funding from Congress. Most importantly, the Secretary of Commerce will justify organizational needs for the commissioned corps for that particular year.

Not only has the corps failed to justify an increase—this massive increase, but this legislation strikes those reasonable requirements of ever going forward in the future. And it does conduct and create an all-time high of 500 billet spots in there whether it is needed or not.

It is no surprise that there are those in the administration that do not support this personnel increase.

The NOAA Corps’ roster illustrates why the average corps officer is far more likely to face a paper cut than any other kind of accident in their careers in this corps military function. Which means if that is the situation, if these are desk jobs in the first place, why are there multiple military and veteran benefits extended to the corps under this bill?

During World War II, this corps was temporarily commandeered and put into the Navy service. Unfortunately, today, the Department of Defense has no plans whatsoever to commandeer any of the NOAA Corps or their officers. However, the corps still uses that history, that example during World War II when they were desperately needed and used to justify claiming military and veteran benefits that are normally given to our Armed Forces.

I don’t think there is anyone here that has any doubt or would have any kind of grave problem giving benefits to those who fought for our freedom, but the corps is not that type of a group. They do not fall under the Code of Military Justice. Their appointments are not reviewed and approved by the Senate. They aren’t even subject to physical fitness requirements of the military.

Moreover, and what is really problematic, is there have been serious allegations of sexual assault and harassment that have plagued this NOAA Corps, resulting recently in the enactment of a corps sexual harassment law and targeted funding for sexual assault prevention.

Is this the kind of group, in all sincerity, that deserves mandatory Federal hiring preferences? That would require student loan repayment at the same rate as you would any military, like a military doctor? Is that the same requirement that would have a 3-year paid sabbatical or free graduate school for post-employment work or even pocket money for their admirals?

□ 1845

All of you, if you were serious about this, should sign up for these. The benefits are great, and all you have to do is photograph a couple of whales.

This bill, finally, was not transmitted to Congress by the administration. No, no. Perhaps it is coincidental

that there are two NOAA Corps officers who have been detailed to our Natural Resources Committee staff, one of whom was previously assigned to the Senate Commerce Committee staff where this bill originated.

Given that concept, given that connection, we need to have serious measures put into effect to maybe prevent these conflicts of interests in the future that have created this NOAA Corps dream bill where they get all the benefits but don't have the responsibilities and they don't do the same work.

When I said we were dealing with *kleinigkeiten* today, this is the smallest of all the *kleinigkeiten*.

This is not a good bill. This is not something that we should forward on. We do need to look seriously at this corps in the future.

And this is not something that is new. There are those who have been working on this issue and dealing with this corps for the last 30 years and still have not come up with the proper solution to it.

Mr. Speaker, I reserve the balance of my time.

Mr. CASE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I certainly regret to hear the words from my friend, the ranking member's mouth on this bill, because in scattershotting 9 or 10 cherry-picked arguments, he ignores the big picture.

He ignores, again, the big picture that the NOAA Corps are doing serious work for our country, are commissioned officers, one of our seven commissioned officer corps, and are not recognized the same as the other six, to include the Public Health Service, which is a commissioned officer corps and is entitled to the same benefits as the Army, Navy, Marines, Air Force, and Coast Guard.

I think, in all honesty—and I don't think he means to do this—he does a great disservice to the people who are serving in the NOAA Corps by some of his statements, because these people are trying to do their best for our country.

I am not sure that the Member has ever spent time on a NOAA ship in the high seas as I have, but if you do that, you know that there is nothing really to distinguish them from any of their fellow officers in any of the other services.

It would take a lot of time to go through each of my colleague's 9 or 10 cherry-picked arguments. I want to make a couple of quick comments and then some big picture observations.

First of all, if I am not mistaken, the GAO report that he refers to is dated 1996, a whole generation ago. That report itself was disputed by subsequent studies and, I submit, is really no longer relevant.

He says, twice: Why should we greatly expand the unprecedented benefits that the NOAA Corps receives?

There is a very simple answer to that: Because they don't get today

what the other six do. All we are doing today in expanding is bringing them up to the same level as the other six corps.

He says that the mission of NOAA is a minor mission, so why should we reward them—I suppose is what he is saying—with the same promotion benefits, the same educational benefits, the same retirement benefits, the same respect as the other six.

I would say to him, first of all, because that mission is worthy of that treatment. And, number one, if he is referring to the GAO report from a generation ago, the NOAA Corps does so much more today.

I think we would all agree that the mission that the NOAA Corps works on, which is the basic health and quality of our oceans, of our atmosphere, of our ability to predict the weather, of our ability to protect our shorelines, of our ability to protect and sustain our fisheries, is so much greater than it ever was.

He complains that some of the members of the NOAA Corps spend time onshore. Is that any different from the Navy? I don't think the Navy has all of its officers out at sea all the time, and neither does the NOAA Corps. The Army doesn't have all of its officers overseas in battle zones.

He says a number of times: This is a 55 percent increase in the size of the corps.

Yes, it does authorize an increase in the size of the NOAA Corps from 320 to a maximum of 500—by the way, the last authorization, as already noted, was almost 20 years ago—but that increase is subject to two conditions: First of all, it can only be increased on the certification of need by the Secretary of Commerce; and it is subject to congressional oversight, both general oversight authority and, most importantly, funding.

So there are lots of steps between 320 and 500, but this gives them the authority to move if it is needed. Frankly, I believe that we should move it up, but that is up to us to decide with the Secretary of Commerce and with the Congress.

He says: Well, we are not building any new NOAA ships.

Well, I think we should build a lot more new NOAA ships. I believe that NOAA's mission is going to be—I think that when we look back on today 25 years from now at the size of this effort for our Federal Government, we are going to say to ourselves: That was so insufficient given the challenge that we faced.

There is a dire need for additional NOAA-related research, NOAA-related activities across this country, across this world. So the fact that we have not authorized and built a sufficient number of new NOAA ships for its mission is no reason to treat the NOAA Officer Corps differently from the other six services.

My colleague rightly raises the issues NOAA has had of sexual assault within

its ranks, as have other uniformed services, and, as he points out as well, this Congress responded with an act specific to the NOAA situation. This bill goes further and strengthens that act. So we are responding to the concern in Congress, as has NOAA itself.

Finally, he seems to have some continuing issues with a staff member from NOAA assigned to the committee. It is not unusual, of course, for departments in the administration to second members for some work. We have had fellows do it all the time. But if that is an issue we have to look at, that is an issue we have to look at, but that is not an issue that should stand in the way of a constructive and fair adjustment of the benefits and position afforded to NOAA officers.

I would conclude by going back to the fact that, if the gentleman's concerns are so widespread, if his concerns are so deep, then why do we have the principal military uniformed services associations of our country supporting this bill without qualification?

I refer to the Military Officers Association of America. I also refer to The Military Coalition, 5.5 million members, consisting of—and I am not going to read all their names because I think it is about 30 here. I will just read maybe the first 10 or so—the Air Force Association, the Air Force Sergeants Association, the Army Aviation Association of America, the Association of Military Surgeons, the Association of the United States Navy, the Blinded Veterans Association, the Coast Guard, the Public Health Service, the Fleet Reserve Association, the Gold Star Wives of America, the Iraq Afghanistan Veterans Association.

It is very clear that military officers and their community view their NOAA colleagues and the corps as being treated substantially unfairly in the big picture and want them to be afforded, again, the same benefits, the same respect that is due the other six services. That is why, Mr. Speaker, we have a situation where the Senate passed this bill, a Republican Senator's bill, by unanimous consent. That is why this House should pass this bill, as well, and send it to the President.

Mr. Speaker, I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, once again I appreciate the comments that are made in defense of this organization, but as I said before, this is a 30-year-old problem.

Unfortunately, NOAA Corps is not part of the military. They don't do military-type functions. The National Health Services, the other uniformed corps, they don't get these same kind of benefit.

The gentleman is right; there is a provision, and there has been, on the ability of expanding this corps if there were appropriations for it and if the Secretary of Commerce would justify it. The problem is this bill removes

that. So it will now be up to the corps to decide what their size is and what their justification is.

It is the wrong thing to do. This is the wrong approach. This is not the right way of doing it. And I am sorry, the studies have shown that repeatedly over and over and over again.

If, indeed, there are some people who want to do this, it is wrong. It is simply wrong. This is not a military. To insist that they get military benefits is an abuse of the system. It doesn't happen anywhere else. It is only with this. So I am sorry.

With that, Mr. Speaker, I don't have to play this game of reserving. I would be happy to, but I think we are the only ones left on this topic on the floor. No one else actually cares.

So, if the gentleman is ready, I will yield back, urging a "no" vote on this particular bill because it is the wrong thing to do and it is not—not—justified.

Mr. Speaker, I yield back the balance of my time.

Mr. CASE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank my colleague, the ranking member, for his passion on this matter.

I think he is wrong, and I think the entire Senate thinks he is wrong, and I think the majority of this House thinks he is wrong. He is, of course, entitled to his opinion, but I think that the statement that this bill is wrong is not borne out by the facts; it is not borne out by the sentiment, again, of the broader community.

If there is a problem with NOAA or any other commissioned officer corps, the way to solve that problem is not to kill the corps itself. The way to solve that problem is not to deprive it of the resources that it needs to fix its problem and to continue its mission.

For me to accept the ranking member's argument would be for me to accept that, in fact, NOAA itself is not relevant, and I don't believe that. I believe NOAA is entirely relevant, and it needs to be staffed by people who are incentivized to be recruited, who are incentivized to stay and to want to do their job, and who are recognized as such.

This is not about the military, per se. I would disagree with his characterization that the NOAA Corps does not perform a military function. It is certainly quasi-military in many ways, but that is not what this is about. This is about fairly recognizing one of our seven commissioned officer corps organizations in our country.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Hawaii (Mr. CASE) that the House suspend the rules and pass the bill, S. 2981.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BISHOP of Utah. Mr. Speaker, on that I demand the yeas and nays.

The SPEAKER pro tempore. Pursuant to section 3 of House Resolution 965, the yeas and nays are ordered.

Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

#### LAND GRANT-MERCEDES TRADITIONAL USE RECOGNITION AND CONSULTATION ACT

Mr. CASE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3682) to provide for greater consultation between the Federal Government and the governing bodies of land grant-mercedes and acequias in New Mexico and to provide for a process for recognition of the historic-traditional boundaries of land grant-mercedes, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3682

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Land Grant-Mercedes Traditional Use Recognition and Consultation Act".

#### SEC. 2. DEFINITIONS.

In this Act:

(1) **ACEQUIA.**—The term "acequia" has the meaning of the term "community ditch" as that term is construed under New Mexico Stat. 73-2-27.

(2) **COMMUNITY USER.**—The term "community user" means an heir (as defined under the laws of the State) of a qualified land grant-merced.

(3) **GOVERNING BODY.**—The term "governing body" means the board of trustees authorized under State law with the control, care, and management of a qualified land grant-merced.

(4) **HISTORICAL-TRADITIONAL USE.**—The term "historical-traditional use" means, for a qualified land grant-merced, for noncommercial benefit—

- (A) the use of water;
- (B) religious or cultural use and protection;
- (C) gathering herbs;
- (D) gathering wood products;
- (E) gathering flora or botanical products;
- (F) grazing, to the extent that grazing has traditionally been carried out on the land, as determined by the Secretary concerned in consultation with the governing body of the affected land grant-merced;
- (G) hunting or fishing;
- (H) soil or rock gathering; and
- (I) any other traditional activity for noncommercial benefit that—

(i) has a sustainable beneficial community use, as determined by the Secretary concerned in consultation with the governing body of the affected land grant-merced;

(ii) supports the long-term cultural and socioeconomic integrity of the community, as determined by the Secretary concerned in consultation with the governing body of the affected land grant-merced; and

(iii) is agreed to in writing by the Secretary concerned and the governing body of the qualified land grant-merced.

(5) **INDIAN TRIBE.**—The term "Indian Tribe" has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(6) **QUALIFIED LAND GRANT-MERCED.**—The term "qualified land grant-merced" means a community land grant issued under the laws or customs of the Government of Spain or Mexico that—

(A) is recognized under New Mexico Statutes Chapter 49 (or a successor statute); and

(B) has a historic or cultural record of use of lands under the jurisdiction of a Secretary concerned or their original or patented exterior boundaries are located adjacent to land under the jurisdiction of a Secretary concerned.

(7) **SECRETARY CONCERNED.**—The term "Secretary concerned" means the relevant Secretary of the Department of Agriculture or the Department of the Interior, with respect to land under the jurisdiction of that Secretary.

(8) **STATE.**—The term "State" means the State of New Mexico.

#### SEC. 3. GUIDANCE ON PERMIT REQUIREMENTS FOR QUALIFIED LAND GRANT-MERCEDES.

(a) **IN GENERAL.**—In accordance with all relevant laws, including subchapter II of chapter 5 of title 5, United States Code (commonly known as the "Administrative Procedure Act") and all applicable environmental laws, and not later than 2 years after the date of the enactment of this Act, the Secretary concerned, acting through the appropriate officials of the Department of Agriculture and Department of the Interior in the State, in consultation with the New Mexico Land Grant Council, the governing bodies of qualified land grant-mercedes, and Indian Tribes, shall issue the written guidance described in subsection (b).

(b) **CONTENTS OF GUIDANCE.**—

(1) **IN GENERAL.**—Written guidance issued under subsection (a) shall include—

(A) a description of the historical-traditional uses that—

(i) a community user or a governing body of a qualified land grant-merced may conduct for noncommercial use on land under the jurisdiction of the Secretary concerned; and

(ii) require a permit from the Secretary concerned;

(B) administrative procedures for obtaining a permit under subparagraph (A);

(C) subject to subsection (c), the fees required to obtain that permit;

(D) the permissible use of motorized and nonmotorized vehicles and equipment by a community user or the governing body of a qualified land grant-merced for noncommercial historical-traditional use on land under the jurisdiction of the Secretary concerned;

(E) the permissible use of mechanized vehicles or equipment by a community user or governing body of a qualified land grant-merced for historical-traditional use on land under the jurisdiction of the Secretary concerned; and

(F) the permissible use of non-native material by a community user or the governing body of a qualified land grant-merced for any of the uses covered in paragraphs (2) and (3) on land under the jurisdiction of the Secretary concerned.

(2) **ROUTINE MAINTENANCE AND MINOR IMPROVEMENTS.**—Written guidance issued under subsection (a) shall address routine maintenance and minor improvements of infrastructure owned or used by a qualified land grant-merced on land under the jurisdiction of the Secretary concerned, including—

(A) cleaning, repair, or replacement-in-kind of infrastructure;

(B) maintenance and upkeep of a trail, road, cattle guard, culvert, or fence;

(C) maintenance and upkeep of a monument or shrine;

(D) maintenance and upkeep of a community cemetery;